Also, a bill (H. R. 16459) granting a pension to Catherine Boyle; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 16460) for the relief of United States Marshal George B. McLeod; to the Committee on Claims.

By Mr. WHITLEY: A bill (H. R. 16461) granting a pension to Katherine Shaffer; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8752. By Mr. CLARKE of New York: Petition of the members of the Woman's Christian Temperance Union, Sherburne, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8753. By Mr. CRAIL: Petition of many citizens of Petaluma, Calif., favoring House bill 9994, for the purposes of furnishing Braille books for the adult blind; to the Committee on Education.

8754. Also, petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 7884, a bill for the exemption of dogs from vivisection; to the Committee on the District of Columbia.

8755. By Mr. CULLEN: Petition of the New York Tow Boat Exchange, submitting to Congress the necessity of early appropriation of funds to be applied to the acquirement, by purchase or construction, of such vessels and for the support of additional personnel, which in the judgment of the captain of the port is considered necessary to the effective administration of his office; to the Committee on Interstate and Foreign Commerce.

8756. By Mr. HICKEY: Petition of V. E. McClain and other residents of South Bend, Ind., urging the passage of an amendment to the World War adjusted compensation act, providing for immediate cash redemption of the soldiers' bonus certificates; to the Committee on Ways and Means.

8757. By Mr. KINZER: Petition of citizens of Lancaster County, Pa., favoring enactment of legislation providing for payment of adjusted-service certificates; to the Committee on Ways and Means.

8758. By Mr. McKEOWN: Petition of the Reynolds-Harjo Post, No. 125, of the American Legion, located at Okemah, Okla., urging passage of a bill providing for the payment in full of the adjusted-service certificates; to the Committee on Ways and Means.

8759. By Mr. MOONEY: Petition of Lincoln Civic Association, of Cleveland, urging the Congress of the United States to enact such laws and appropriation of funds as will prevent loss of property by its citizens; to the Committee on the Judiciary.

8760. By Mr. REED of New York: Petition of Woman's Christian Temperance Union, of Salamanca, Frewsburg, and Randolph, N. Y., urging the enactment of a law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

8761. By Mr. ROBINSON: Resolution of the American Legion Auxiliary, of Waterloo, Iowa, unanimously urging that legislation be passed for the Federal supervision of motion pictures, as in the Grant-Hudson motion-picture bill [H. R. 9986], signed by the president, Emma Balensifer, and the secretary, Mrs. Arline Brees, both of Waterloo, Black Hawk County, Iowa; to the Committee on Interstate and Foreign Commerce.

8762. By Mr. SANDLIN: Petition signed by ex-service men of Coushatta and Vivian, La., asking for payment of adjusted-service certificates; to the Committee on Ways and Means.

8763. By Mr. SELVIG: Petition of American Legion post, of Greenbush, Minn., urging passage of pending legislation for cashing of adjusted-compensation certificates at face value; to the Committee on Ways and Means.

8764. Also, petition of Bemidji Civic and Commerce Association, Bemidji, Minn., urging the enactment of House bill 15600, to establish minimum levels for certain lakes in Minnesota; to the Committee on Rivers and Harbors.

8765. By Mr. SMITH of West Virginia: Petition of the Baptist Young People's Union, of West Virginia, by Miss Lulu Meadows, president, urging that Congress enact a law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

8766. By Mr. WELCH of California: Petition of citizens of the fifth congressional district, San Francisco, Calif., urging the enactment of House bill 7884; to the Committee on the District of Columbia.

8767. By Mr. WYANT: Petition of Scottdale Union, Woman's Christian Temperance Union (230 members), urging passage of Hudson bill regulating moving pictures; to the Committee on Interstate and Foreign Commerce.

8768. Also, petition of the Westmoreland County Woman's Christian Temperance Union, requesting support of the Sparks-Capper amendment to the Constitution cutting out approximately 7,500,000 unnaturalized aliens in making new apportionment for congressional districts, and requesting support of Hudson bill (H. R. 9986) providing for Federal motion-picture commission, to assure production of pictures of higher moral tone; to the Committee on Immigration and Naturalization.

8769. Also, petition of J. Howard Snyder Post, No. 781, Veterans of Foreign Wars, of Irwin, Pa., requesting support of Wright-Patman bill to provide for immediate payment in full of World War veteran's adjusted-service certificates; to the Committee on Ways and Means.

SENATE

THURSDAY, JANUARY 22, 1931

(Legislative day of Wednesday, January 21, 1931)

The Senate met in executive session at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Smith
Black	George	La Follette	Smoot
Blaine	Gillett	McGill	Steiwer
Blease	Glass	McKellar	Stephens
Borah	Glenn	McMaster	Swanson
Bratton	Goff	McNary	Thomas, Idaho
Brock	Goldsborough	Metcalf	Thomas, Okla.
Brookhart	Gould	Morrison	Townsend
Broussard	Hale	Morrow	Trammell
Bulkley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cutting	Heflin	Phipps	Watson
Davis	Johnson	Pine	Wheeler
Deneen	Jones	Pittman	Williamson
Dill	Kean	Reed	

Mr. WATSON. I wish to announce that my colleague the junior Senator from Indiana [Mr. ROBINSON] is necessarily absent on account of illness in his family. I will let this announcement stand for the day.

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL] is absent because of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names; a quorum is present.

EUGENE MEYER

The VICE PRESIDENT. Under the unanimous-consent agreement the Senate will now proceed to consider the nomination of Mr. Eugene Meyer to be a member of the Federal Reserve Board.

The Senate, in executive session, proceeded to consider the nomination.

Mr. BROOKHART obtained the floor.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. BROOKHART. I yield.

Mr. JONES. I am very anxious to secure early action on the deficiency appropriation bill. Practically all the amendments that have been put on the bill are in the nature of provision for relief of unemployment between now and the 1st of July. It is estimated that the bill will provide for the employment of about 30,000 laborers who are now idle. I had intended to ask the Senate to consent temporarily to lay aside the consideration of executive business and to take up the deficiency appropriation bill. However, the leaders desire to dispose of the nomination of Mr. Meyer, and, of course, I am willing to conform to their wishes, so I shall not ask to take up the deficiency appropriation bill until the Meyer nomination is disposed of.

Mr. BROOKHART. Mr. President, I desire to move that this nomination be recommitted to the Committee on Banking and Currency for further consideration.

The VICE PRESIDENT. Does the Senator desire to be heard on that motion?

Mr. BROOKHART. Yes, sir; briefly.

Mr. President, the nomination which we are now considering has, in fact, to do with the most important economic position in our Government. When the nomination came before the committee I asked for an investigation of it, and a hearing, but that was denied. The nomination was reported without any hearing whatever.

I understand, in the first place, that it is the custom of the Senate to accord a hearing to any Senator who asks for it, and I feel that a hearing ought to have been granted in this case. Then, some things have happened since the nomination was reported to the Senate which I think call for a hearing and for a recommitment of the nomination for that purpose.

First, I desire to say that the chairman of the Committee on Banking and Currency of the other House has made a speech setting out facts which, if true, would certainly warrant the rejection of this nomination. Those facts have been brought out since the nomination was reported to the Senate. Again, other information has come to me in reference to Mr. Meyer's administration of the joint-stock land banks in particular that I feel sure would warrant a rejection of his nomination. In fact, charges have been made of direct conspiracy on his part to destroy some of those joint-stock land banks, and some of them have closed through his policy which would not have been closed but for his arbitrary action.

In addition to that, the chairman of the House Committee on Banking and Currency wrote a letter to the chairman of the Senate committee in which he specifically pointed out that Mr. Meyer, through his brother-in-law, an attorney for some members of Morgan & Co., secured the resignation first of Mr. Young, the former Governor of the Federal Reserve Board, in order to open a place for Meyer. A position of greater compensation was found for Mr. Young. Then, in order to get a place open under the law, it was also necessary to obtain the resignation of the vice governor of the Federal reserve bank, Mr. Platt, who lived in the New York, district, and a place was found for him by these same agents. In that way an opening occurred, so that Mr. Meyer's appointment might be legally made. In connection with that, I desire to read from an account in the New York Times of the 5th instant, which states:

> Directors of the Federal reserve bank at New York held yesterday their first meeting since the return on last Tuesday of George L. Harrison, governor of the bank, from Europe, where he conferred with the heads of the Bank of England, the Bank of France, and the Reichsbank. The meeting was attended by Eugene Meyer, governor of the Federal reserve bank, and was protracted beyond the usual time. While the meeting was in progress J. P. Morgan entered the bank and asked to see Mr. Harrison. Mr. Morgan also returned from Europe this week. Owen D. Young, chairman of the General Electric Co. and director of the reserve bank, came back from Europe last week. While they were in London Mr. Morgan and Mr. Young were reported to have held several conferences with Mr. Harrison and Montague Norman, governor of the Bank of England—

And so forth. Those statements corroborate the claim of the chairman of the House committee of the close association of the Morgan interests and the attendance even of Mr. Morgan at a meeting of the board of directors of the Federal Reserve Bank of New York.

Mr. President, Mr. Meyer, as manager of the joint-stock land banks, put in operation its economic policy. He formulated a plan for the banks to buy their own bonds, to speculate, as it were, in their own bonds. That is not a new plan with Mr. Meyer. He did the same thing as head of the War Finance Corporation, and assisted by the Secretary of the Treasury speculated in Government bonds at the expense of the people who had paid 100 cents on the dollar for those bonds; and but for the profit derived from that speculation in Government bonds there would have been a deficit in the War Finance Corporation. Mr. Meyer followed the same policy in the joint-stock land banks, and set them to speculating in their bonds. They bought up the bonds, and here is the way they got the money with which to buy those bonds: The bank forecloses a mortgage which is in default—say, a $10,000 mortgage on a $20,000 farm—for the farm would have to be appraised at $20,000 in order to secure a loan of $10,000. Those bonds have depreciated in value as a result of that speculation; in fact, the purpose of the speculation was to depreciate them. They average, the president of the Federal land bank said, about 70 cents on the dollar now. Some of them are as low as 40 cents, some of them are even as low as 20 cents on the dollar. I know of one particular case where such bonds have been selling at 42 cents on the dollar. In that case a $10,000 mortgage will be foreclosed on a $20,000 farm. The farm may be put up at a forced sale, and if it brings $4,200 in cash, then the bank can buy in $10,000 of these depreciated bonds and save itself from loss because of the depreciation in the bonds. The sale of land at such low figures in the middle western section of the country is doing more to depress land values right now than any other one cause. Every time a $20,000 farm sells for four or five thousand dollars land values in the immediate community are of necessity broken down, and the banks save themselves by breaking down the market and bidding in these bonds at a low figure. That is a general policy, except as to one or two of the banks that are able under their own management to keep their bonds at par.

The result of that policy is to liquidate these banks. That is not what they were organized for; they were organized to make loans to farmers, but this procedure liquidates the loans and the assets of the bank all the time, and it does so for the benefit of the stockholders and at the expense of the bondholders who put up the money, and of the farmers who sign the mortgages. That was the general policy, following the similar policy of speculating in Government bonds in the War Finance Corporation. I charge, Mr. President, that it was done for the purpose of deflating land values. I think Mr. Meyer is an economic genius, so far as that is concerned, and he knew exactly what it meant, whether anybody else did or not, and he figured out this plan for that purpose.

In addition to that evidence has been laid before me this morning of a direct conspiracy to cause the failure of some of the joint-stock land banks. Those who have furnished that information I know are reputable, and I believe the information to be genuine.

Mr. President, I not only asked for a hearing in the beginning, and was refused by the committee, but later, even after the nomination was reported and some of these new matters came to me, I asked again the chairman of the committee to let me examine Mr. Meyer before the full committee.

Then a subcommittee of the Senate Committee on Banking and Currency started investigating the general banking condition. Many of the things that I wanted to inquire about are material to that investigation. So I asked the subcommittee to permit me to appear before it and examine Mr. Meyer on anything that was material to the investigation being conducted by the subcommittee as well as any-

thing that I deemed material to the confirmation of Mr. Meyer.

Mr. McNARY. Does the Senator refer to the Committee on Banking and Currency?

Mr. BROOKHART. To the subcommittee of the Committee on Banking and Currency. That request was refused. Not only, Mr. President, was it refused, but after Mr. Meyer had been announced as first witness before that subcommittee and I appeared there they postponed hearing Mr. Meyer as a witness at all until after the vote on his confirmation here in the Senate. That, it seems to me, is a proceeding unheard of in the Senate of the United States. For those reasons I feel that I and the Senator from Florida and others who see the matter as I do ought to have a chance to develop these questions with reference to this subject.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, I have favorably known Mr. Meyer, the nominee, for many years. It has been my intention to vote, and no doubt I shall vote, for his confirmation, but if the Senator from Iowa has accurately recounted what took place before the committee it is one of the most astonishing episodes in the proceedings of Senate committees during the 19 years I have been here. I do not doubt the Senator's word, but it is difficult to believe that any committee of the Senate would refuse to any Senator the opportunity to ask respectful questions of any nominee. A refusal to do so seems to me so shocking that if I did not hear the statement from the Senator's own lips I would not believe that such could be true.

I speak these words as a supporter of the nominee, Mr. Meyer, whom I believe to be a gentleman of high character and ability; but if the episode as outlined by the Senator from Iowa actually took place, it is not to be tolerated. A Senator should have the right to ask any questions which he may see fit to ask within the limits of reason and decency.

Mr. BROOKHART. Mr. President, let us get the situation exactly right. I asked the chairman of the subcommittee [Mr. GLASS] and the chairman of the Banking and Currency Committee [Mr. NORBECK] to be permitted——

Mr. ASHURST. Will the Senator yield to one further question?

Mr. BROOKHART. I yield.

Mr. ASHURST. Is the Senator from Iowa a member of the committee?

Mr. BROOKHART. Not of the subcommittee, but I am a member of the full committee.

Mr. ASHURST. The Senator is a member of the committee to which this nomination was referred and which was actually considering this nomination?

Mr. BROOKHART. Yes.

Mr. ASHURST. I wish to say here that the great Committee on the Judiciary, of which I am a member, would not for an instant refuse any Senator, whether he was a member of the committee or not, the right to ask any questions of any nominee who appeared before that committee. I do not desire to be considered as censorious or critical, but as a supporter of the nominee, Mr. Meyer—and I expect to vote for him—I say that we are reaching a strange pass, a dangerous pass, in the Senate when a United States Senator who is a member of the committee to which a nomination is referred for consideration is denied the right to ask questions of that nominee.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. BROOKHART. I yield.

Mr. COUZENS. I wish to say as chairman of the Interstate Commerce Committee that we would not under any circumstances report out a nomination when a member of the committee had asked to examine the nominee. I can not comprehend the procedure in this instance. I take the same view as the Senator from Arizona. I do not wish to condone any such arbitrary action on the part of the chairman or on the part of any committee in denying a member of the committee itself a chance to examine nominees for public office.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. I yield to the Senator from New York.

Mr. WAGNER. I fear there has been a misunderstanding as to just what the Senator from Iowa suggested.

A subcommittee is meeting now, as I understand, to look into our whole financial and banking structure. It was proposed to call Mr. Meyer as a witness before that subcommittee in relation to the matter that it was discussing. It had nothing at all to do with the question of the pending nomination. The subcommittee decided that it would not call Mr. Meyer as a witness at this point of its investigation. It was as a witness before the subcommittee that the Senator from Iowa asked the privilege of examining him.

May I ask the Senator whether I am correct in that?

Mr. BROOKHART. In part. Before that, I had asked for this hearing before the full committee. Then I asked for the subsequent privilege before the subcommittee, and said I would not go outside of the matters that were material in the subcommittee investigation. It was when I asked this last time that the subcommittee then, with Mr. Meyer present and announced as the first witness—and the committee said so—postponed any examination of Mr. Meyer as a witness until after this confirmation had been voted in the Senate.

Mr. WAGNER. Mr. President, will the Senator yield for another question?

Mr. BROOKHART. Yes; I yield.

Mr. WAGNER. When the Senator asked the permission of the full committee to summon Mr. Meyer before the committee for examination did not the committee take the attitude—that is my very distinct recollection of it—that the matter about which the Senator desired to examine Mr. Meyer had already been fully gone into by the committee when Mr. Meyer was before it on a previous occasion as a member of the Farm Loan Board? And did not the committee simply take the attitude that it did not care to rehear subject matter which had been fully heard, and about which Mr. Meyer had been thoroughly examined by all sides?

Mr. BROOKHART. Mr. President, part of the matters, they claimed, had been investigated; but at that time this reference to the resignation of Mr. Young and of Mr. Platt was all new material, and some of these matters in reference to the joint-stock land banks were new material; so it could not be decided solely upon the question that once before he had been examined on some of the things upon which I wanted to reexamine him. I have a great deal of new information about those old things that he was examined on before that we did not have at that time. No; I can not feel that there has been any hearing at any time upon this question, upon its real merits or anything like its merits.

Mr. PHIPPS and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield; and if so, to whom?

Mr. BROOKHART. I yield first to the Senator from Colorado.

Mr. PHIPPS. Mr. President, while I happen to be a member of the Committee on Banking and Currency, my duties on the Appropriations Committee prevented my attendance at any of its recent meetings.

I recall the incident referred to by the Senator from New York [Mr. WAGNER], that the Eugene Meyer matter was gone into very definitely on a former occasion. It so happens that the subcommittee also referred to is in session this morning. I have sent a request for the chairman of the committee, the Senator from South Dakota [Mr. NORBECK], to attend the Senate, and I believe he will be here at the earliest possible moment. I think he should be present during this discussion.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. BROOKHART. I yield.

Mr. LA FOLLETTE. I wish to ask the Senator from Iowa whether the charges made by Congressman McFADDEN, chairman of the Committee on Banking and Currency in the House of Representatives, and his request that those charges be investigated by the committee with reference to Mr. Meyer, were made following the original hearing before the committee on Mr. Meyer's confirmation, or before.

Mr. BROOKHART. Shortly after it had been reported here.

Mr. LA FOLLETTE. So the situation, as I understand it, is that the chairman of the Banking and Currency Committee in the House has made these charges on the floor of the House of Representatives, with the request that they be heard, and that they have not been heard by the committee of the Senate.

Mr. BROOKHART. That is correct; and then, in addition to making the charges on the floor of the House, he wrote a letter to the chairman of the Banking and Currency Committee of the Senate.

Mr. LA FOLLETTE. Has the Senator a copy of that letter?

Mr. BROOKHART. I think I have.

Mr. LA FOLLETTE. I think it would be very pertinent to this subject matter to have that letter read.

Mr. McNARY. Mr. President, who is on the subcommittee?

Mr. BROOKHART. The subcommittee is composed of the Senator from Virginia [Mr. GLASS], the Senator from South Dakota [Mr. NORBECK], the Senator from Ohio [Mr. BULKLEY]——

Mr. LA FOLLETTE. The Senator from New Mexico [Mr. BRATTON]?

Mr. BROOKHART. No; the Senator from New Mexico resigned, and the Senator from Ohio took his place. I forget who the other Democrat is. The Senator from Connecticut [Mr. WALCOTT] is on the committee, I remember.

Here is the letter. It is dated January 5, 1931:

JANUARY 5, 1931.

Hon. PETER NORBECK,
Chairman Committee on Banking and Currency,
United States Senate, Washington, D. C.

DEAR SENATOR NORBECK: In connection with the confirmation of the pending nomination of Eugene Meyer, jr., to be a member and governor of the Federal Reserve Board, which was some days ago reported favorably by your committee, and is now, I understand, by agreement, to be voted on by the Senate on January 9.

Before this matter is finally passed upon, should not your committee and the other members of the Senate ascertain the circumstances leading up to this appointment and to the resignation of Roy A. Young as governor of the Federal Reserve Board and Edmund Platt as vice governor of the board?

At the time of the resignation of Governor Young, he was appointed governor of the Federal Reserve Bank of Boston. Simultaneously with the resignation of Vice Governor Platt from the board, he was made vice president of the Marine Midland group of banks, a new position created by this institution to fit the employment of Mr. Platt. I have been informed that the negotiations leading up to Mr. Platt's resignation and his appointment as vice president in charge of public relations of the Marine Midland group were largely conducted by Mr. Alfred A. Cook, a New York City lawyer, located at 20 Pine Street, who, I am told, is the brother-in-law of Eugene Meyer, jr., and Mr. George Blumenthal, who has long been a member of the international banking house of Lazard Freres & Co. I have already pointed out Mr. Blumenthal's activities with the French Government and J. P. Morgan & Co.

He did that in a speech, I believe.

Mr. Cook, I understand, is also attorney for the New York Times. It is perhaps needless for me to explain that the New York Times is probably the strongest exponent in this country of the type of internationalism which is leading gradually to our involvement in international financial and political affairs through the Bank for International Settlements and its use of our Federal reserve system through J. P. Morgan & Co., who are and represent the American stockholders in this bank.

I should like to restate here the expressed official position of this Government as set forth in the statement of Henry L. Stimson, Secretary of State, under date of May 16, 1929, in regard to participation by officers of the Federal reserve system in the Bank for International Settlements. I quote:

"In respect to the statements which have appeared in the press in regard to the participation of any Federal reserve officials in the creation or management of the new proposed international bank, I wish to make clear the position of this Government:

"While we look with interest and sympathy upon the efforts being made by the committee of experts to suggest a solution and a settlement of the vexing question of German reparations, this Government does not desire to have any American official, directly or indirectly, participate in the collection of German reparations through the agency of this bank or otherwise. * * * It does not now wish to take any step which would indicate a reversal of that attitude and for that reason it will not permit any officials of the Federal reserve system either to themselves serve or to select American representatives as members of the proposed international bank."

Notwithstanding this definite prohibition, officers of the Federal reserve system and of the Federal Reserve Bank of New York are continuing conferences and apparently collaborating with the officers of the Bank for International Settlements.

Under these circumstances the Senate and the country are entitled to have the full facts.

The position of governor of the Federal Reserve Board, as you know, at this time is one of the greatest positions of trust in the United States, and the procurement of an important position of trust like this should not be acquired in any doubtful manner.

If this appointment has been secured through such methods, the country is entitled to know it; and these facts, if established, are sufficient basis for the rejection of this nomination.

Do you not think the way to ascertain the truth is to call before your committee, prior to this confirmation, the following persons?

Hon. Roy A. Young, governor Federal Reserve Board of Boston;

Hon. Edmund Platt, vice president of the Marine Midland group of banks;

Mr. George F. Rand, president of the Marine Midland group of banks, Buffalo, N. Y.;

Mr. Alfred A. Cook, 20 Pine Street, New York; and Eugene Meyer, jr.

In further substantiation of what I am saying, I am inclosing copy of an address which I delivered in the House of Representatives under date of December 16, 1930.

I should also like to make it clear to you that in the delivery of this speech and in the writing of this letter I am not assuming to lecture or direct your committee or the action of the United States Senate. I am thoroughly aware of the impropriety of such a course. What I am saying in this letter, and what I have said in the inclosed speech, is on my own responsibility as a Member of the House of Representatives. Because of the fact that I am so much concerned about the future welfare of the Federal reserve system on account of its effect on the people in the United States, I am forced to resort to the only method at my command to bring this to the attention of those who have the responsibility now before them of the confirmation of this appointment.

Respectfully yours,

L. T. McFADDEN.

Mr. COUZENS. Mr. President, will the Senator yield at that point?

Mr. BROOKHART. I yield; yes.

Mr. COUZENS. Was that letter read before the Banking and Currency Committee after the nomination was reported out?

Mr. BROOKHART. It was addressed to the chairman of the committee. It is not to me. The letter is to the chairman of the committee, and a copy was sent to me.

Mr. COUZENS. I understand; but the Senator is a member of the committee, and I ask, Was this letter submitted to the membership of the committee?

Mr. BROOKHART. I doubt that. I do not believe it was in any formal way. It might have been, but I do not remember it.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I do.

Mr. FLETCHER. As I understood, the Senator from Michigan asked whether this letter came in after the nomination had been reported out of the committee.

Mr. COUZENS. The Senator from Michigan asked if this letter was submitted to the whole membership of the Banking and Currency Committee.

Mr. FLETCHER. I do not know as to that. It was sent to the chairman of the committee, but it came there; and if copies were sent to the members of the committee—I got a copy—they came after the nomination had been reported to the Senate. The letter was never considered by the full committee.

Mr. BROOKHART. Mr. President, again in connection with this letter, I want to reread this New York Times state-

ment on December 5, and notice the connection with the letter. It says:

While the meeting was in progress—

This was the meeting of the Federal Reserve Bank of New York—

J. P. Morgan entered the bank and asked to see Mr. Harrison.

He is the governor of the bank.

Mr. Morgan also returned from Europe this week. Owen D. Young, chairman of the General Electric Co. and director of the reserve bank, came back from Europe last week. While they were in London Mr. Morgan and Mr. Young were reported to have held several conferences with Mr. Harrison and Montague Norman, governor of the Bank of England.

And there is much more along the same line.

Under all these circumstances, Mr. President, I do not think the United States Senate ought to proceed with the consideration of this nomination until these matters are fully and fairly investigated. I say this is the most important economic position in all our Government. It has more to do from day to day with the welfare and the prosperity of all of the people of the country than any other position in the Government. Yet, in the face of these charges and of these circumstances, the Senate is asked to proceed without even an investigation of any kind, and that when it is demanded openly by the members of the committee and by other Senators.

Mr. METCALF. Mr. President, I hope the action asked by the Senator from Iowa will not be taken. We all know the record Mr. Meyer has made. We all know what he has done in the positions of trust which have been given him, and when this Government can get a man of his great attainments to take such a position as this our country is indeed fortunate.

Charges have just been made which Mr. McFADDEN made in his speech in the House. I have before me the reply which Representative LUCE made. I will not ask to have this again put in the RECORD, but I should like to read small portions of it. Mr. LUCE said:

Mr. Chairman, yesterday the chairman of the Committee on Banking and Currency [Mr. McFADDEN] took the floor to discuss certain questions of finance. I wish to say that the propositions he advanced have not been considered by the Committee on Banking and Currency, of which I am a member.

Then he stated:

In the first place, the chairman undertook to advise the Senate as to its course on the nomination of Eugene Meyer to the Federal Reserve Board. The Speaker of the House last spring in ruling upon a point of order as to the parliamentary situation in such a contingency decided that this must be left to the judgment and conscience of each Member of the House. It is, however, still the parliamentary law, laid down in Jefferson's Manual, that Members of one body shall not concern themselves as to the proceedings of the other body.

But inasmuch as Eugene Meyer has been attacked on this floor, answer should be made on this floor.

Eugene Meyer was chairman of the War Finance Corporation. I differed with his judgment as to whether it should be continued. His view prevailed. He performed his duties well on that occasion and he did the country an inestimable service. [Applause.]

That is what Mr. LUCE said on the floor of the House.

I am sorry Representative McFADDEN's name has been used in connection with this matter. I shall not make any direct reply to him, but I send to the desk and ask to have read what the American Banker said in regard to some of his financial actions.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk proceeded to read.

Mr. JOHNSON. Mr. President, I rise to a parliamentary inquiry. I am not interested in any controversy with Mr. McFADDEN or in anything which may be said in respect to personalities; but I would like to see the rule which has prevailed in the Senate, and which is a part of our written rules, observed, and I inquire of the Senator whether this is an assault upon a Member of Congress.

Mr. METCALF. Mr. President, it criticizes him in connection with some of his banking ideas. It is not an assault on him in any way.

Mr. JOHNSON. I do not know what the article is, and, of course, if it does not infringe the rule, I do not wish to object.

Mr. METCALF. I would be quite willing to have the Senator from California read it; and if he thinks it is not proper, I shall be most happy to withdraw the article.

Mr. JOHNSON. No; I am satisfied with the statement of the Senator that it contains no personal assault.

Mr. METCALF. This was a public article; it was not private in any way.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk resumed and concluded the reading of the article, which is as follows:

LOUIS T. M'FADDEN, INVESTMENT TRUST CHAIRMAN

Coincident with the announcement that he was assuming the chairmanship of the board of Transcontinental Shares Corporation, LOUIS T. McFADDEN, chairman of the House Committee on Banking and Currency, issued a discussion of banking matters which has startling implications, although its intention is not entirely clear.

Congressman McFADDEN's statement, issued as part of the publicity concerning his new business affiliation, was as follows:

"In many States the banking laws are such as to give State banks and trust companies a distinct advantage over national banks. In the matter of investment powers there is need for a much more liberal policy if our national banks are to compete on a favorable basis with institutions operating under State charters.

"The industrial life of the country, as well as its transportation facilities and its gas and electric systems, have expanded far beyond any concept the framers of the national banking act could have had. During this period of development there have been reared corporations whose stability of income, ability to pay dividends year after year without interruption, and whose capital structure are such as to give a prime investment rating to their junior securities.

"I believe the time is not far distant when legislation designed to open this field to the national banks may be considered. Such a policy would have the effect of minimizing the fluctuations of the banks' secondary reserve investments.

"It will, of course, be necessary to surround such investments with the same safeguards required for the investment of savings and trust funds.

"It is conceivable that investment trusts, similarly safeguarded, may eventually constitute an admirable source for the investment of bank funds, thus providing the safety and stability of a broad diversification into many industries in all sections of the country."

Mr. FLETCHER. Mr. President, may I ask the Senator the date of this article?

Mr. METCALF. I will ask the clerk to read the date.

The VICE PRESIDENT. The clerk advises the Chair that he does not find a date on the article.

Mr. METCALF. I will try to get the date and give it to the Senator.

Mr. President, in the case of the appointment of Eugene Meyer as governor of the Federal Reserve Board we have a man not only with unusual character and proven ability but a man who has also, by 13 years of public service, demonstrated an ability to fit himself into a Federal environment. It is wrong for the Senate to subject men of this caliber to unfair criticism and denunciation.

Eugene Meyer left his private banking connections in 1917 to accept public service with the Council of National Defense and soon afterwards with the War Industries Board. These were arduous and thankless positions, which he filled with credit to himself and honor to the Government. He has already earned in private business a reputation for honesty and vigor, soundness in thought, and promptness and thoroughness in activity.

When he came to Washington, in 1917, Eugene Meyer was given, with the War Industries Board, the task of advising the Government on the matter of the use of nonferrous metals in time of war. He immediately set himself to prevent as far as possible the evil of profiteering in a time of national emergency. The degree to which he was successful was later to mark him one of those outstanding thinkers who so unselfishly devoted themselves to patriotic service at a time of public need. He was greatly concerned during that period with the important commodity of copper.

Mr. Meyer made an appeal to the patriotism and loyalty of the copper interests to the country, and secured the purchase of more than 45,000,000 pounds of copper at a little

more than 16 cents per pound, at a time when spot copper was selling for as high as 37 cents per pound. The service of Mr. Meyer as chief of the nonferrous-metals section of the War Industries Board immediately marked him a far-sighted and unselfish public servant. His unusual strength of character and unusual ability made of him a director of the War Finance Corporation in March, 1918.

Mr. Meyer's service with the War Finance Corporation has been reviewed in this body on numerous occasions. His record is not only a tribute to the man as a banker and public servant, but as well is an outstanding example of perfection of organization in a Government agency. The War Finance Corporation has recently reached the final stage of liquidation, and is closing, after 12 years, a career of service to the United States which has been unequaled in soundness of policy and efficiency in the annals of this country.

The original purpose of the corporation was to give financial support to industries whose operations were necessary or contributory to the prosecution of the war, as well as to the banking institutions which aided in financing such industries.

In order that the corporation might assist in transition from war-time conditions to those of peace, it was authorized by act of Congress in 1919 to assist American exporters and American bankers who extended credit to finance American exports. The activities of the corporation were discontinued in 1920, but a short time later, in January, 1921, the Congress directed the corporation to resume operations. When agricultural conditions became acute in that year it played a prominent part in stabilizing organizations devoted to the service of agriculture.

When the War Finance Corporation was created it was intended that the Government should suffer no loss from its operation. That was a tremendous responsibility to place upon the shoulders of a group of men. The corporation necessarily dealt with an emergency situation and with an unusual condition in agriculture in 1921. It would seem to be an almost superhuman accomplishment for the corporation to deal with its unusual problems without entailing losses of great importance. However, in his report printed February 12, 1930, Secretary of the Treasury Mellon stated that all but $10,000 out of $500,000,000 in capital stock of the War Finance Corporation had been retired at par, in addition to which over $64,000,000 has been retired into the Treasury to reimburse the Government for the cost of money used by the board.

It would seem that the appointment of Mr. Meyer as governor of the Federal Reserve Board is most opportune. With the Nation facing recovery from a most acute economic situation, there is need for stability and soundness in the direction of the affairs of our national finances. The Federal Reserve Board is more or less the great flexible link between the banking and currency system of the United States and the business and agricultural interests of the United States. His long and successful service with the War Finance Corporation has proven Mr. Meyer to have a thorough understanding of the relationship between the industrial and agricultural interests and the banking system of the United States. He has guided the War Finance Corporation and the Federal Farm Loan Board through an era of crises. I believe there is hardly another man in American life who could have shouldered that great responsibility with the success which has accompanied his every effort to carry out the intent of Congress and maintain soundness and confidence in the economic endeavors with which he was charged.

I want to refer to some of the newspaper notices which have been printed in regard to Mr. Meyer. Here is one from the Farmer, published in St. Paul, dated September 30, 1930, applauding the wisdom of President Hoover in his selection of Mr. Meyer from the standpoint of agriculture. I have another one from the Chicago News and Journal regarding the appointment of Mr. Meyer, speaking in the highest terms of him. Here is another one from the Nebraska Farmer, from which I quote, as follows:

MEYER STRENGTHENS RESERVE BOARD

The appointment of Eugene Meyer as governor of the Federal Reserve Board will bring to that important official body a man whose outstanding financial ability and sympathetic interest in agriculture should insure just consideration of the problems of farmers in matters of national finance. Mr. Meyer has a very distinguished record in Government life, having been called upon to serve in official capacities under four Presidents; first, as head of the War Finance Corporation during the war and later when it was revived to serve agriculture in the serious depression of 1920 and ensuing years; second, as head of the Federal Farm Loan Board under President Coolidge, to bring order and efficient operation to a system that had ceased to function at its best, and now under President Hoover, to head the Federal Reserve Board in directing the most important financial structure of the country.

Mr. Meyer, despite opposition, has made an enviable name for himself in the capacities in which he has previously served his country, and his job in neither case was easy of solution. It is particularly significant that while director of the War Finance Corporation, the huge sums loaned to farmers all over the country were repaid in good time and without a dollar of loss to the Government. True, he is conservative and cautious, but that is good business, especially in matters financial.

Through Mr. Meyer's work in the War Finance Corporation and on the Federal Farm Loan Board he has had opportunity to make a thorough study of the financial problems of the farmer, and, because of his knowledge of the farm problem and his interest in cooperative marketing, he will be in a position to serve agriculture well in his new work. We have confidence in Mr. Meyer's outstanding ability and hope that his appointment will have speedy confirmation.

I invite attention to an item appearing in the St. Paul Pioneer Press, which also applauds the selection of Mr. Meyer; another one from the Montana Standard of September 6 highly lauding Mr. Meyer as a friend of Montana and discussing his work with the War Finance Corporation. I have another one from that great newspaper, the New York Times, which is too long for me to read, but which speaks in the highest terms of Mr. Meyer. It makes special reference to his services with the War Finance Corporation. It refers to the fact that Mr. Baruch was head of the War Industries Board. Mr. Baruch has known Mr. Meyer a long time and intimately as a friend and coworker. Mr. Baruch's opinion of the new governor is given in an interview, from which I quote:

"You can say for publication," Mr. Baruch remarked, "that if the President had taken a thousand good men and rolled them into one he could not have chosen an abler man or one better fitted for the governorship of the Federal Reserve Board. Mr. Meyer is the best man in the country for that post."

Mr. President, I hope we will not recommit the nomination to the committee, but that we will confirm it. I have before me a great many letters with reference to the matter which have already been published in some of the hearings of the Senate committee. I shall not take the time now to read them or refer to them further. I sincerely hope that we will confirm the nomination of this man who is one fitted as no other man that I know of for the position to which President Hoover has appointed him.

I ask permission that the several newspaper items to which I have referred may be printed in the RECORD at this point in connection with my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Farmer, St. Paul, Minn., September, 1930]

NEW HEAD FOR FEDERAL RESERVE

Announcement was made last week of the appointment of Eugene Meyer, jr., as governor of the Federal Reserve Board, which supervises the activities of the Federal reserve banks throughout the United States. Mr. Meyer succeeds Roy Young, formerly of the Minneapolis Federal Reserve Bank and later governor of the Federal Reserve Board, who now goes to one of the regional banks.

Since 1917 Mr. Meyer has been in the public service, first as the head of the War Finance Corporation and then as the head of the Federal land-bank system. Before entering the public service Mr. Meyer was one of the outstanding financiers of the country. In his work on the War Finance Corporation and on the Federal Farm Loan Board Mr. Meyer on numerous occasions rendered very noteworthy service to agriculture. He probably has a more intimate knowledge of the financial needs of agriculture than any other single banker in the United States.

We believe that President Hoover made a very wise selection in choosing Mr. Meyer for this very important position. The appointment will doubtless be opposed by certain politicians and by certain bankers who may fear the positive and aggressive characteristics of Mr. Meyer, who has no ax to grind and who will conduct his office from the standpoint of efficient public service.

We believe that this is a fortunate appointment from the standpoint of agriculture, because Mr. Meyer's intimate knowledge of both agriculture and banking may help to avert the Federal reserve banks from running amuck to the great detriment of agriculture as they did at the time drastic deflation was thrust upon agriculture.

[From the Washington Post, September 18, 1930]

Calvin Coolidge says: "The business interests of the country in both the industrial and agricultural lines will find much encouragement in the appointment of Eugene Meyer, jr., as governor general of the Federal reserve system. He is not only a banker of wide experience, but also a very successful business man with about 12 years of public service in Washington. His work as chairman of the War Finance Commission for agricultural and industrial rehabilitation laid the foundation for the revival which began eight years ago.

The Federal reserve system was created to serve the business of the Nation. Without it the war could not have been financed. By providing a safe and certain source of credit to member banks it makes more stable and liquid the resources of the whole country. While individual banks may suffer from misfortune or bad management, no one has any lack of confidence in the soundness of the currency system of the Government or the banking system of the people. When these are correctly used they support and encourage our productive activity. They are of great benefit to the farmer and the wage earner. We can now expect to see these great powers used for that purpose.

[From the St. Paul Pioneer Press, September 8, 1930]

EUGENE MEYER'S APPOINTMENT

The appointment of Eugene Meyer, the forceful chief of the War Finance Corporation and former chairman of the Federal Farm Loan Board, to succeed Roy A. Young as governor of the Federal Reserve Board is one of the most important acts of President Hoover's administration. Banking and business worlds have awaited disclosure of the President's selection, not only for its possible significance for the future leadership of the administration in fiscal matters, but more especially because of its meaning for the Federal reserve system itself.

The appointment of Mr. Meyer, who has been identified with the President's group, may foreshadow the beginning of the end of Secretary of the Treasury Mellon's domination over Federal fiscal policies, and the introduction of Hoover policies. Mr. Meyer belongs to a section of banking thought which has not always seen eye to eye in recent years with the Treasury on management of the Federal reserve system. It is possible that his accession to the governorship of the board will mean a new phase in Federal reserve banking.

Coming as it does partly as an answer to criticism of the Federal Reserve Board from both technical economists and practical bankers, this prospect of change is welcome. There has been a growing sentiment that the Federal reserve system has failed to realize to the fullest its potentialities as a directive factor over economic movements, and that it has in fact been diverted to some extent from the original line marked out for it. This has been partly due to the neutral rôle assumed by the Federal Reserve Board. The board has failed or refused to establish itself as a positive force. It has been criticized for failure to adopt a strong coherent policy and then to proceed consistently along the line.

The appointment of Eugene Meyer, a man of high standing in finance and a character of force and determination, may mean more banking and less politics in the Federal Reserve Board. This does not necessarily imply any undue tampering or meddling with the 12 regional banks, which would be as unwise as it is unnecessary. The regional banks should be, on the whole, the most competent to determine what policies are best for their own individual sections. The kind of leadership open properly to the board is not the absolute dictation of orders to the regional banks, but that charting of general courses and exerting of influence for balanced and harmonious action which a strong and able central board should be in position to supply.

It may, however, be taken for granted that Mr. Meyer's appointment will be opposed in the Senate, first rate though it is. Opposition is already expressed by Senator BROOKHART, of Iowa. More will probably follow. Some of this will proceed from fear of placing a strong man at the governorship of the reserve board. But much will be the result of a certain bitterness remaining from the long fight over the McNary-Haugen bill, which Mr. Meyer energetically opposed. He has since been accused of unfriendliness to agriculture, a charge which his efficient administration of the Federal farm land-bank system should soften. The Federal Reserve Board needs a strong guiding hand. Mr. Meyer is well qualified to supply it. This is as important to agriculture as to any other economic branch.

[From the Montana Standard, Butte, September 6, 1930]

A FRIEND OF MONTANA

Eugene Meyer, financial genius of the highest luster, who will succeed Roy A. Young as governor of the Federal Reserve Board, is peculiarly well equipped to take up the Nation's financial-industrial problems. The West witnesses his appointment with satisfaction. He has the confidence of the Northwest by virtue of past performance. Mr. Meyer is more than a financier. He is a man of practical turn of mind and thorough familiarity with the methods of business in every major line of industry. Moreover, he has unbounded faith not only in the ability of the East and its vast manufacturing interests to right itself, but he knows the West and its developing industries as thoroughly as any man who ever was called to high position and tremendous responsibility in Washington.

Mr. Meyer was one of those governmental representatives sent to the West nearly 10 years ago to determine the cause of the convulsions that then were afflicting this region of closed banks, frozen assets, and woefully impaired credit. At that time Mr. Meyer was head of the War Finance Corporation. A western man himself, Eugene Meyer knew the West. He knew the indomitable will of the western people. He knew that there was no such word as "bust" in the vocabulary of the West. He came to Montana and he came to Butte. He determined to pour the funds of the War Finance Corporation into this State. He made a recommendation for like action to the Federal reserve bank.

Within a very short time the frozen assets of the Northwest, consisting of farm loans, livestock mortgages, and similar credits, were laid aside for thawing out. Men no longer were forced to sacrifice all the work of a lifetime to satisfy notes that were as good as gold but could not be settled at the moment. Together the Federal reserve bank and the War Finance Corporation poured some $22,000,000 of new credit into Montana. Small rural banks which had stood by their communities to the limit of their resources were tided over. Harvest and crop movements were financed. The livestock industry, most bitterly tested, was given aid.

There were men in the Government service and in many great eastern banks who believed it was all wrong. They had no faith in the Northwest. They believed the Federal reserve and the War Finance Corporation had foolishly sunk tremendous Government funds here that would never be recovered. Eugene Meyer was not among them. He knew the West and his faith never wavered. He was concerned only in the task of finding the means to extend credit to all banks and all communities which were justly entitled to such assistance.

The answer to it all constitutes one of the most glorious pages in the book of Montana's achievements. With all the talk of abandoned farms, agriculture gone to ruin, of broken banks, and blasted hopes, Montana made an about face and a recovery which confounded her critics and astounded those who were studying her in her time of stress. Of all those millions of credit poured in here when the Nation seemed to doubt that we had a throbbing, pulsating, living Commonwealth, not a single dollar was lost either to the Federal reserve bank or the War Finance Corporation. Every loan long since has been paid back and with interest; and quickly after those days of little faith Montana astonished the Nation with her progress and production in agriculture.

The highest degree of faith ever reposed in Montana by one not a Montanan was that faith expressed in this State by Eugene Meyer, who counted not the millions required but considered only the problem of getting them here quickly over the opposition of those who had no faith. Montana justified the faith of Eugene Meyer. Its industries found in him an understanding friend. The country at large will find that as governor of the great Federal Reserve Board his understanding of the legitimate needs and requirements of business and industry will speed the solution of many perplexing problems.

Mr. BROOKHART. Mr. President, I want to invite the attention of the Senator from Rhode Island to a small part of Mr. Meyer's record. I believe there is a vastly different view of that record to be taken by one who lives in the first Federal reserve district than if he were living in the seventh district where I live. I have here a tabulation of the bank failures in the first Federal reserve district, which includes Rhode Island, from 1863 to 1920. That is up to the date of the famous or infamous, we might call it, deflation meeting on May 18, 1920.

In the first district there were 32 bank failures in the 57 years, or 0.56 of a bank per year, or 1 bank about every two years. That famous meeting was held, and afterwards in the next seven years there was only one bank failure in that district, or 0.13 of a bank per year. In other words, the bank failures were reduced in the New England district by about 75 per cent.

What happened in the seventh district where I live? At the same time this magnificent record was made for Rhode Island here is what happened to my people: From 1863 to 1920 there were 67 banks failed in the Chicago district. That is 1.17 banks per year. From 1920 to 1927, the next seven years, there were 81 banks failed in that district, an increase of more than 900 per cent.

I want to call the attention of the Senator from New York [Mr. WAGNER], who is supporting Mr. Meyer in this matter, to a similar situation in the New York district. The second Federal reserve district from 1863 to 1920 had 62 bank failures, or 1.09 banks per year. In the next seven years there were only two banks failed in the New York dis-

trict, or 0.26 bank per year, or one bank in four years, which means that the bank failures were reduced about 75 per cent in the New York district, while at the same time they were increased 900 per cent in the seventh district, where I live.

Then we come to the fourth district, Cleveland, and find that the figures are reversed. The failures increased by 50 per cent. In the fifth district, including Virginia and North and South Carolina, they increased nearly 1,000 per cent. In the sixth district they increased about 300 per cent. In the seventh district, as I have said, which is my own district, the bank failures increased about 900 per cent, in the eighth district about 300 per cent, in the ninth district about 2,500 per cent, in the tenth district about 1,200 to 1,400 per cent, in the eleventh district more than a thousand per cent, and in the twelfth district about 800 per cent.

Mr. President, the War Finance Corporation, in charge of Eugene Meyer, cited by the Senator from Rhode Island as a part of his magnificent record, was a special institution set up to take care of us, not Rhode Island and not New York. It was to assist the farming districts. Following that, Mr. Meyer was made president of the Federal Land Bank, which includes the joint-stock land banks and which includes the intermediate credit banks. Up until recently he managed the whole financing situation for agriculture.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I yield.

Mr. FLETCHER. The Senator must mean that Mr. Meyer was made a member of the Federal Farm Loan Board or the farm loan commission of the Farm Loan Board. It is not the Federal land bank.

Mr. BROOKHART. What was his title?

Mr. FLETCHER. He was commissioner and member of the Farm Loan Board. He was practically chairman of the Farm Loan Board.

Mr. BROOKHART. He was in charge of those institutions so far as one man can be under the law. He held the highest position.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. I yield.

Mr. WAGNER. Would it interfere with the Senator if at this time I have read some resolutions which were adopted by the presidents of the Federal land banks on October 1, 1929, at their meeting in the city of Washington in relation to the services Mr. Meyer had rendered?

Mr. BROOKHART. Who was it adopted the resolutions?

Mr. WAGNER. The presidents of the Federal land banks.

Mr. BROOKHART. The presidents of the Federal land banks are men whom Eugene Meyer has given positions with big salaries. He ran out every one of them who did not act to satisfy him, so the Senator can have the resolutions inserted in the RECORD if he wishes to do so.

I want to appeal to the Senator from New York, if he wants to act unselfishly, which the Senator from New York always does. He would be perfectly satisfied with this record of Eugene Meyer in New York. It is a magnificent record for New York and for the New York Federal reserve district. But when I find that only one bank failed in four years in that district and then find that 900 per cent more banks failed in the Chicago district than during the previous period, and that in the latter district Eugene Meyer had charge of the financing for agriculture, and that most of the banks that failed were agricultural banks, then I must doubt the magnificence of his record. I want to ask the Senator from New York if, in all fairness, he thinks I ought not to have the right to investigate the cause of that discrepancy in the situation where the man in charge of the situation is asked to be confirmed now as head of the biggest financial institution of all. I pause for the Senator to reply.

Mr. WAGNER. Mr. President, I did not understand the Senator's question. I was not listening as attentively as I should.

Mr. BROOKHART. On the record which I have presented there is no complaint against Mr. Meyer in New York. But in Iowa the bank failures increased 900 per cent more than in New York since he took charge of our agricultural financing in the country. Does not the Senator think that I, as an Iowan, ought to have the right to investigate the cause of that discrepancy?

Mr. WAGNER. In the first place, the Senator from Iowa is one of the very few men in the country who denies the great service which Mr. Meyer rendered to the agricultural interests of the country. If he will take the trouble to read the agricultural press and statements of those speaking with authority, he will find that their opinion is that he rendered extraordinary service to agriculture, which redounded to its welfare.

As to the inquiry, I might say that the Senator from Iowa, in an inquiry held by the Committee on Banking and Currency, went over the whole subject of Mr. Meyer's part in the War Finance Corporation. A thorough investigation was made which covered many days and in which the Senator was at liberty to ask questions as long as his physical endurance would permit. As a result of that investigation the committee almost unanimously approved and the Senate almost unanimously confirmed Mr. Meyer.

Another inquiry would mean a rehash of this whole subject matter which both the committee and the Senate have thoroughly investigated.

Mr. BROOKHART. I asked the Senator a specific question, which he has very skillfully avoided. Does he deny the difference in the situation in New York and in the West as disclosed by the record I am reciting?

Mr. WAGNER. I do not know anything about the record, and I do not know the reasons for the failure of the banks to which the Senator has referred. That is a subject which would have to be inquired into. A mere reading of the record does not establish anything.

Mr. BROOKHART. If the Senator knew the reasons for the bank failures in the West, in the agricultural States, he would favor this investigation. When he makes that admission he has given the best argument why he himself ought to investigate Eugene Meyer.

Mr. WHEELER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. BROOKHART. I yield.

Mr. WHEELER. I have not had the benefit of listening to the Senator's entire argument, but do I understand the Senator from Iowa complains that he asked the Committee on Banking and Currency to request Mr. Meyer to be brought before it in order that he might be permitted to ask certain questions and that his request was refused?

Mr. BROOKHART. Yes; that was the first thing that was done. Instead of doing that, there was a motion to report the nomination favorably.

Mr. WAGNER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. Yes.

Mr. WAGNER. I do not want constantly to reiterate the reason which actuated the committee at the time, but I think the Senate ought to know it. The committee took the position that they had already examined fully and completely into the matter about which the Senator from Iowa wanted to make another inquiry, and it was for that reason the request was denied.

Mr. BROOKHART. The Senator from New York will concede that I myself took the position that the committee had not done that.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. BROOKHART. I yield.

Mr. WHEELER. Let me say that I do not believe the Committee on Banking and Currency, with all due respect to that committee, when a Senator comes to them and wants to have some man brought before the committee should refuse

to comply with that request. I think when a Senator comes before any committee and asks that he be given the privilege of having a nominee called before them and they refuse, they are not doing their full duty with respect to the matter. I think that any committee of the Senate, whether the Banking and Currency Committee or any other committee, ought to extend that privilege to any Senator and that a Senator is entitled to that courtesy.

Mr. NORBECK. Mr. President, will the Senator yield to me for a short statement?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota for that purpose?

Mr. BROOKHART. I yield.

Mr. NORBECK. With the other four members of the subcommittee conducting a general investigation into the banking situation I have been absent from the Senate considerably and so was not present to hear the remarks made by the Senator from Iowa. As soon as I have an opportunity to read the notes of the reporter I will then make a statement regarding the matter, and I want to say at this time there is more to it than has been disclosed.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. HEFLIN. The fact that the committee has interrogated a witness along certain lines is no reason why a United States Senator, and especially a member of the committee, may not be allowed to interrogate the witness. I never heard of such procedure in my life. Now, I submit that it does not look well——

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. HEFLIN. I yield.

Mr. NORBECK. I suggest that the Senator withhold his conclusions until he knows the facts.

Mr. HEFLIN. I want to get at the facts.

Mr. NORBECK. I have just announced to the Senate that they will be given after a while.

Mr. HEFLIN. Yes; I hope they will be given; I hope my friend from Iowa will keep on being enthusiastic and energetic until he gets them.

Mr. President, the way this matter stands now, I am going to vote to recommit this nomination to the committee and to permit the Senator from Iowa to interrogate Mr. Meyer and go into any phase of this matter that he wants to go into. It is a very serious thing to select a man to be put at the head of the great Federal Reserve Board; it is a very grave affair. The people of this country are much interested in this nomination. The governor of the Federal Reserve Board has tremendous power, and we ought to have the very best man we can obtain to fill that position. If Mr. Meyer has connections that would hamper him and disqualify him in this position the Senate ought to know it; at least we are entitled, and the Senator is entitled, to inquire of Mr. Meyer about any phase of this matter that he wants to inquire about.

It looks strange to me that the question is closed, while a great Senator, an able Senator, a Senator who has rendered great service to his country, especially to the masses of the people, is fighting to obtain the facts. He wants to make inquiry; he wants to get the facts to present to the Senate, and it looks to me like he ought to be permitted to do that.

I submit, Mr. President, that the friends of Mr. Meyer who are pushing the fight for his confirmation had better submit to the request which has been made and let the nomination go back to the committee so that all the facts may come out. I think in the interest of fair play and common justice to the Senator from Iowa and to the people of the Nation, who are certainly interested in the matter as to who shall be governor of the Federal Reserve Board, that all the facts should come out. I think it is strange, indeed, that when a Senator, a member of the committee, asks to interrogate a witness along certain lines, some one else suggests he can not do that and says, "We have already interrogated him." It may be that the interrogations have been put by somebody who was friendly, by somebody who did not want to go into certain things. It may be that he did not have the facts; that he did not have the angle that the Senator from Iowa has. It is strange, indeed, that the question should be closed and the nomination reported to the Senate without giving a Senator every opportunity to go into the facts. I submit again, as this matter stands, I am going to vote to recommit the nomination to the committee in order to give the Senator from Iowa the opportunity he desires.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Smith
Black	George	La Follette	Smoot
Blaine	Gillett	McGill	Steiwer
Blease	Glass	McKellar	Stephens
Borah	Glenn	McMaster	Swanson
Bratton	Goff	McNary	Thomas, Idaho
Brock	Goldsborough	Metcalf	Thomas, Okla.
Brookhart	Gould	Morrison	Townsend
Broussard	Hale	Morrow	Trammell
Bulkley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cutting	Heflin	Phipps	Watson
Davis	Johnson	Pine	Wheeler
Deneen	Jones	Pittman	Williamson
Dill	Kean	Reed	

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Iowa to recommit the nomination of Mr. Meyer to the Committee on Banking and Currency.

Mr. NORBECK. Mr. President——

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. NORBECK. Mr. President, I regret that I was not in the Chamber when the remarks were made about the supposed action of the Committee on Banking and Currency.

I have no quarrel with my good friend the Senator from Iowa [Mr. BROOKHART]. I recognize his honesty, and I admire his courage. I am not going to say that he is not within his rights if he asks that the nominee come before the committee to be questioned. I do not challenge that. I simply want to get the record clear in the matter; and the record is that the Senator from Iowa has attended committee meetings very regularly, and on no occasion has he made a motion to call Mr. Meyer before the committee. Therefore, we have no official record on the question.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. NORBECK. Certainly.

Mr. BROOKHART. Is it not true that I asked the committee at the first session for a hearing, and then some member made a motion to report it, and that motion was carried?

Mr. NORBECK. That is true. The Senator talked informally about having Mr. Meyer come before the committee; but he never pressed the mattter, and so the other motion was made and carried. It is further true that the Senator has talked to me about it at different times, and I have never taken the position that he was not entitled to a hearing on the matter. The Senator even asked me whether a majority of the committee would support him, and I said I did not know. He then asked me whether the committee would grant his request if a certain prominent Democratic Senator would join with him, and I gave it as my opinion that they might; and the last I knew at that time, he started off to see that Senator, and he has not yet reported to me what the Senator said.

The Senator from Iowa [Mr. BROOKHART] has attended every meeting of the committee since the Meyer nomination was reported, when he could have made a motion to have

Mr. Meyer appear before the committee to be questioned by him, because it is admitted that certain things have come up since the nomination was reported; for instance, the letter of Congressman McFADDEN, the chairman of the House Banking and Currency Committee. I know the Senator from Iowa studiously says this letter was written to the chairman of the Banking and Currency Committee, but it was written to the members of the committee. There are Many Members who have letters from Congressman McFADDEN, and, among them, the Senator from Iowa. Why did he not tell us about him also receiving a letter instead of telling the Senate that I received the letter? The question naturally arises, Did the members of the committee see the letter? Did they have an opportunity to learn its contents? It has been inferred that I received the letter and did not lay it before the committee.

Mr. BROOKHART. Mr. President, I said that the letter I got was addressed to the Senator from South Dakota, and that the one sent to me was a copy of a letter to the Senator from South Dakota. That is what I stated.

Mr. NORBECK. The Senator did not state that in the beginning. That came out after some discussion, as I read the reporter's transcript.

Mr. BROOKHART. I stated it when the question came up, whenever it was.

Mr. NORBECK. But the Senator will agree that there was nothing withheld from the committee.

Mr. BROOKHART. Oh, not a thing. There is no reflection on the chairman of the committee in any way. However, I desire to call the chairman's attention to the fact that since this matter was reported to the committee, after a conference with the Senator from Virginia [Mr. GLASS], I asked the chairman to call Mr. Meyer before the full committee.

Mr. NORBECK. Yes. The trouble is that the Senator asked the chairman to handle the whole committee. I can not be responsible for the whole committee.

Mr. BROOKHART. Now, wait. The chairman said that the nomination was before the Senate, and the committee had no jurisdiction; so I have now come into the Senate and made a motion to have the nomination sent back to the committee, where it belongs, in the regular way.

Mr. NORBECK. The committee had no further jurisdiction on the nomination. The committee had a perfect right to call Mr. Meyer before them for a hearing, even though the nomination was pending in the Senate; but no motion of that kind was made. The Senator from Iowa [Mr. BROOKHART] insists that as chairman of the committee I should compel the committee to take certain action. I can not be responsible for all the members of the committee. I can not be responsible for the Democrats. I can not even be responsible for good conservatives on the committee, like the Senator from Connecticut [Mr. WALCOTT], the Senator from Maryland [Mr. GOLDSBOROUGH], the Senator from Colorado [Mr. PHIPPS], and others.

I can not even be responsible for the Senator from Iowa [Mr. BROOKHART]. I can be responsible only for myself; and I ask the Senator if, as chairman of the committee, I have not dealt fairly in this matter.

Mr. BROOKHART. I have not any complaint at all against the chairman; but the other Senators to whom he refers, I think, have been against my position all the time.

Mr. DILL. Mr. President, I desire to ask the Senator from South Dakota a question. Do I understand that the Senator is opposed to having this nomination go back to the committee?

Mr. NORBECK. I have never been opposed to it. As I say, I am responsible only for myself, and I shall cast my own vote in my own way when the time comes. I have not assumed that I should tell the Banking and Currency Committee what to do nor tell the Senate what to do in the matter.

Mr. DILL. I simply want this point cleared up—it seems to me a principle in which every Senator should be interested—namely, that if a Senator has questions that he wants to put to an appointee, and he has not been given that opportunity, it seems to me the Senate ought to insist that he have it. I have no interest in ths discussion between Senators.

Mr. NORBECK. I take no issue with the Senator from Washington on that matter. I am simply raising the question that a motion has never been made in the committee to bring Mr. Meyer before it. The matter was discussed informally.

Some two or three years ago Mr. Meyer's name was before the Banking and Currency Committee, when he was nominated for commissioner of the Farm Loan Board; and there were very serious charges made. They were personal. The Senator from Iowa took a great deal of interest in the matter, and pressed it very hard, and insisted on a hearing. The committee held hearings for three days, he examined the witness personally, and nothing developed; and that fact was rehashed more or less before the Banking and Currency Committee this time. The test of whether the Banking and Currency Committee refuses a hearing, however, is for the Senator from Iowa to make a motion to call Mr. Meyer before the committee and see whether they vote for it or against it, instead of saying that the chairman should do it for him.

Mr. DILL. Mr. President, do I understand that the Banking and Currency Committee would not hear a Senator unless a motion was made? Is it necessary to have a motion made? Is not a request sufficient?

Mr. NORBECK. What the committee would do as a whole, I am not saying. There were remarks made that "We have gone over a lot of this before, and it resulted in nothing"; and several Senators expressed their disapproval of holding a hearing. A majority of them did not express themselves at all; and then a motion was made to report the nomination favorably, and that motion carried, and since then the matter has been on the Executive Calendar.

Mr. SWANSON. Mr. President, let me ask the Senator a question. Is the Senator from Iowa a member of the committee?

Mr. NORBECK. He is.

Mr. SWANSON. As an individual Senator, he had every opportunity to be heard. Was a motion ever made in the committee to have hearings?

Mr. NORBECK. No.

Mr. SWANSON. Was any motion made to hear the chairman of the Banking and Currency Committee of the House?

Mr. NORBECK. I do not recall that Mr. McFADDEN, of the House committee, ever asked to be heard before the Senate committee. I do not recall that he did; but he has held hearings of his own.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. NORBECK. I yield.

Mr. BROOKHART. The first question I raised was in the meeting of the full committee. I asked for this hearing at that time, though not by a formal motion. I had not learned that the committee had any rules that required that. My understanding was, as all the other Senators have said, that if there was a request for a hearing it would be granted; and I made it in that form. Then, after we discussed the matter there was no objection at all to the way in which I presented it. Some others said: "We have been over all this. We examined Eugene Meyer"; and they talked around the table, and then made a motion to confirm him.

That is the way the matter came up.

Mr. DILL. Mr. President, I am reminded of the fact that the press has criticized the Senate for not giving enough consideration to the confirmation of the Power Commissioners before they were confirmed in the first instance. It seems to me that when we are about to pass on the confirmation of a man to the Federal reserve system for a position such as Mr. Meyer is to hold we ought to have all the information we can get. If any Senator has charges to make or any questions to ask, he ought to be permitted to present them.

Mr. HEFLIN. Mr. President, I desire to ask a question of the Senator from South Dakota. What harm could come

now from having Mr. Meyer come back before the committee and permitting the Senator from Iowa to question him about the matters he has in mind?

It seems to me that if I were in Mr. Meyer's place, I should want that done. I should want to be able to show to the Senate that everybody who wanted to ask me anything and find out anything about me and my record had had an opportunity to do that. The Senator from South Dakota, if I understand him correctly, does not want this matter to go back to the committee. If that is true, he is going to call on Senators to vote to confirm this man with one Senator standing here saying that he has certain charges to make against the nominee and certain information about him, and that he has never had the opportunity to bring them out in a hearing.

Mr. NORBECK. If the Senator from Alabama is assuming that the chairman of the Banking and Currency Committee does not want the Senate to take a certain kind of action, he is assuming a great deal. The matter is up to the Senate as to what action to take.

Mr. HEFLIN. The Senator from Iowa, as I understand, has made a motion to refer the matter back to the committee, so that he can have the opportunity to interrogate Mr. Meyer. I am going to vote for that motion if this matter stands as it is now.

Mr. LA FOLLETTE. Mr. President, I heard the remarks made by the Senator from Iowa [Mr. BROOKHART], and I did not gather that there was any direct or implied criticism of the conduct of the chairman of the Banking and Currency Committee. I understood the Senator from Iowa to be making a factual statement concerning what had happened in the committee. I understood that the Senator from Iowa felt that he had not been accorded by the committee an opportunity to question Mr. Meyer upon the charges which had been made by the chairman of the Banking and Currency Committee of the House, and other matters which the Senator from Iowa desired to go into.

I should like to say for myself, Mr. President, that I feel that the friends of Mr. Meyer, the Senator from New York [Mr. WAGNER] and the Senator from Rhode Island [Mr. METCALF], are doing him a disservice in opposing the motion of the Senator from Iowa. The charges made by the Senator from Iowa and the chairman of the Banking and Currency Committee of the House should be investigated. To force the Senate to vote upon this nomination without an opportunity for those charges to be investigated is, I think, an entirely illogical procedure.

I sincerely trust that the motion made by the Senator from Iowa will prevail, and that a full and ample opportunity will be given for those who are opposed to the confirmation of Mr. Meyer to make their presentation to the committee, and that a full and fair opportunity will be given to Mr. Meyer to answer any charges which may thus be made.

Mr. COUZENS. Mr. President, I want to make it clear that when Mr. Meyer's name was before the Senate for confirmation as a member of the Federal Farm Board, his conduct prior to that time as the head of the War Finance Corporation was gone into, and the Senate had the information. Up to that time, I think, his record is clear, and there would be no difficulty in voting on confirmation.

Since then, however, since his membership on the Federal Farm Board, certain charges were made—whether there is any foundation for them or not is not the question—that he used his position to depress the bonds of the joint-stock land banks—to the detriment of the bondholders and the farmers. Then there have been charges that there was a rigging fixed up to secure his appointment on the Federal Reserve Board.

I know nothing about the matter. The press has commented on it. The Senator from Iowa has commented on the assertion that certain rigging was fixed up to get Mr. Meyer appointed to that position. It seems to me that we ought to know if that is true, and what the purpose of this rigging was.

I think, with the Senator from Wisconsin, that those who desire Mr. Meyer confirmed, as I do, are doing a disservice to Mr. Meyer in not having this matter go back to the committee in order that Mr. Meyer may have an opportunity to deny or affirm these charges.

Mr. BORAH. Mr. President, the Senator from Michigan [Mr. COUZENS] has expressed my views as I entertain them.

If I were voting at this time, I should vote to confirm Mr. Meyer. My knowledge and information concerning his work while he was connected with the War Finance Corporation are such as to lead me to believe that he is an excellent appointee; but I do not very well see how I can vote to refuse to give an opportunity for a hearing upon such charges as have been made here. I think it would be much better for Mr. Meyer, and much better for every one, that the matter be cleared up. My opinion is that it will be cleared up; but I should like to see the hearing had.

Mr. GLASS. Mr. President, I have been necessarily absent from the Chamber while this discussion has ensued, and I do not know exactly what has been said. I have been told that the Senator from Iowa has complained that the Banking and Currency Committee of the Senate, first, and afterwards the subcommittee, had refused to give him a hearing. At no meeting of the Banking and Currency Committee which I have attended has any hearing been asked.

Unquestionably, as chairman of the subcommittee appointed to make a specific investigation of the banking conditions of the country, I declined to permit the Senator from Iowa—and in that decision I was sanctioned by every member of the subcommittee—to transform the subcommittee into an investigation committee of a nomination to the Federal Reserve Board or to permit the Senator from Iowa to sit in and to catechise Mr. Eugene Meyer about matters with which the subcommittee was not charged.

I have no objection to anybody catechising Mr. Meyer in the right way and before the right committee. I have no objection to the Senator from Iowa hammering over the old brass of three years ago and asking Mr. Meyer the same questions. If he has any new questions to ask him, he has not indicated them to me as a member of the Committee on Banking and Currency. He had full opportunity to do that when this nomination was before the committee, and, so far as I know, he has never done it.

Mr. DILL. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. DILL. I might inform the Senator that the Senator from Iowa referred to things charged since the hearing.

Mr. GLASS. Yes; I have heard that—things which are rumored since. I have not heard any charges made by any responsible person.

Mr. COUZENS. Mr. President, will the Senator from Virginia yield to me?

Mr. GLASS. Certainly.

Mr. COUZENS. I assume the Senator considers his colleagues responsible, at least superficially so.

Mr. GLASS. I have not heard of any charge by any colleague.

Mr. COUZENS. The Senator from Virginia was absent attending a meeting of a subcommittee of the Banking and Currency Committee when the Senator from Iowa made specific charges.

Mr. GLASS. To what effect?

Mr. COUZENS. To the effect that Mr. Meyer had deliberately set out to depress the bonds of the joint land banks and to purchase them, to the detriment of the farmers and the bondholders of the joint land banks. He also made the charge that there was a certain plan set up to dispose of Mr. Young and Mr. Platt so as to secure the position for Mr. Meyer.

I do not know anything about those charges, but they relate to things all subsequent to the hearings which the Senator called "hammering old brass." I have no desire to go back to that period and have the old brass hammered, as the Senator expresses it, but I am desirous of having from a committee authentic information as to whether these charges made by the Senator from Iowa can be substantiated.

Mr. GLASS. Of course, if any Member of the Senate, or other responsible person, has definite charges to make against Mr. Meyer, with any reasonable prospect of proving them, I have no objection to his being heard; but I do object to his being heard before the subcommittee of which I am chairman, because it is not charged with anything of that sort.

Mr. METCALF. Mr. President, I think the reason why Mr. Young resigned was that there was a vacancy in the Federal reserve bank at Boston, a position which perhaps carries two and a half times the salary Mr. Young was receiving here in Washington. I believe that was the reason for his resignation and that there was no other.

Mr. WAGNER. Mr. President, I do not want unduly to delay the discussion. After the very just tribute paid to Mr. Meyer by the Senator from Rhode Island there is very little that can be added.

I do feel, however, that I would be remiss as a representative of the State of New York, the State which is proud that Mr. Meyer is one of her citizens, if I did not at least inform the Senate that he is held in that State in very high esteem. He is regarded as one of its most distinguished citizen. He is a banker to whom there are very few equals in capacity and none superior. He has the confidence of the business people, not only of the State of New York but, I believe, of the entire country.

I hope the nomination of Mr. Meyer will not be recommitted. My recollection is refreshed very much by what the chairman of the Committee on Banking and Currency said, and I am now certain that never was a motion actually made before the committee for a hearing, or to bring Mr. Meyer before the committee so that he might be interrogated by the Senator from Iowa. There was some discussion of that matter, and the discussion, as I recall it, made it very manifest that the events about which Mr. Meyer was to be interrogated had already been fully investigated by the committee and completely disposed of. The insinuations and innuendoes indulged in at that time were in no way established by any evidence presented to the committee.

I entertain the same views about the rumors with which we are now confronted. No definite charge has been made against Mr. Meyer. I am sure that no definite charge which can be supported by any evidence can be made against him. I personally feel that it is a great sacrifice for him—if we may call the surrender of financial rewards a sacrifice—to accept a public position. He is a man of very large means, with great opportunities in the business world, and he is willing to forego them in order to serve his country.

I shall state very briefly the reason why I am particularly interested at this time in seeing a man of Mr. Meyer's type in this great and important office to which he has been nominated. Mr. Meyer has served under four Presidents, and he has been rewarded with high praise by each of them. He has been paid the highest of tributes by men who have had actual contact with him during his public career. He is almost universally approved by the press of the country. His integrity has never been questioned, except as we hear these irresponsible insinuations. Just at this time, when the world is suffering an economic depression, the like of which we have not experienced in modern history; when we are seeking to rehabilitate the economic condition of the world, a task that challenges the ingenuity of our greatest men, is the time when we ought to have at the head of the Federal reserve system a man who has not only unusual capacity and expert knowledge, but one in whom the business people of the world have confidence.

After all, we know that in our whole economic machine there is no part so delicate as the banking system. Banking responds more quickly to mere rumor than any other business. A few weeks ago a New York bank which was absolutely solvent was closed because of the spread of rumors concerning its financial condition. There was a run on the bank, which resulted in its closing, although the rumors proved to be completely unfounded.

Therefore I say that in this banking structure, which responds so delicately both to pessimistic views and also to news of confidence, we should have a man of unusual capacity, who may help in this superhuman task of bringing back the world to economic stability. It is for this reason, having given the question such study as a man of my humble capacity can, that I am interested in seeing Mr. Meyer help steer the ship.

I hope the Senate will disregard these rumors, because they are really brought forth by men who will be opposed to Mr. Meyer no matter how his capacity may be established, or to what extent his capacity may be established, and his fidelity to his country shown. Their votes will be in the negative anyway.

I regard it as very unfortunate that at this late day, after the opportunity was presented to make a motion before the committee, these methods of delay should be brought forth to postpone a vote by the Senate, and I hope the Senate will not agree to the motion.

Mr. McNARY. Mr. President, I entertain a very strong personal friendship for Mr. Meyer and share a great sense of appreciation for his public service; but the charges which have been made on the floor of the Senate by a distinguished and reputable Senator, and by the contents of the letter written by Mr. McFADDEN, a Member of the House of Representatives, have certainly cast a cloud upon the availability of Mr. Meyer.

If I were in Mr. Meyer's place, I would want my friends to give me an opportunity to exculpate myself. For that reason, as a friend of Mr. Meyer, I think the nomination should be returned to the committee in order that he may have an opportunity to clear himself of these charges.

Mr. NORBECK. Mr. President, I have no authority to speak for all the members of the Committee on Banking and Currency, but speaking for myself, I would say that not only do I have no objection to the nomination going back to the committee but I really think it should go back. I am speaking as a Senator, and not as chairman of the Committee on Banking and Currency. I repeat what I have said before, that I am not authorized to speak for all the members of the committee.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. NORBECK. I yield.

Mr. BARKLEY. I have been before two other committees this morning in regard to other legislation, and therefore have not been on the floor of the Senate while the discussion has been proceeding. What fact or rumor or charge has been brought forward which makes it advisable to return this nomination to the committee? What is the proposition?

Mr. NORBECK. I can answer briefly by stating that I have read the transcript of the official reporters of the debate which took place while the Senator and I were absent from the Chamber attending committee meetings. The Senator from Iowa made a motion to send the nomination of Eugene Meyer back to the committee, claiming that he had asked for a chance to have a hearing on certain important charges of which he had knowledge, and that the Committee on Banking and Currency had refused to grant his request. I take issue with the Senator from Iowa on that statement, but there have been a good many remarks to the general effect that the Senator from Iowa is entitled to the hearing he asks.

The Senator from Kentucky will recall that there was opposition to the nomination in the committee, although the Senator from Iowa never made a motion to call Mr. Meyer before the committee. There was opposition because on a previous occasion when Mr. Meyer's name was before the committee for another office similar charges were made, and a 3-day hearing was held, with no result.

Mr. BARKLEY. That was when he was appointed as a member of the Farm Loan Board?

Mr. NORBECK. Yes.

Mr. BARKLEY. My recollection is that at that time the committee went rather thoroughly into Mr. Meyer's history and financial connections and his experience and ability. Of course, as a member of the Committee on Banking and Currency, personally I have no objection to reconsidering the matter, but unless something new has developed since the committee acted, and since we had a hearing on a former occasion in reference to Mr. Meyer, I am wondering what could be accomplished by such a hearing.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BROOKHART. Practically all that I have suggested is new. I do not care to thrash over any of the old straw. Any questions I shall ask will be in a new field.

Mr. McFADDEN's letters and charges to the chairman of the Committee on Banking and Currency of the Senate, copies of which were sent to the other members of the committee, all came since our action was taken.

Mr. NORBECK. I would like to ask the Senator a question for information. Is it not a fact that when we had the other hearing on Mr. Meyer there were at that time also letters and speeches from Mr. McFADDEN before us containing the same charges?

Mr. BROOKHART. I do not recollect that at all, because these charges have all been brought up recently, since that happened.

Mr. NORBECK. I refer to the charges made at the other hearing; did they not also come from Mr. McFADDEN?

Mr. BROOKHART. I do not remember that had anything to do with the matter. It did not with me.

Mr. NORBECK. I am not certain about the matter.

Mr. BROOKHART. Other matters have come to my attention this morning. They come from reputable parties. Certainly if they should prove to be true the Senate will not, in my opinion, confirm Mr. Meyer.

Mr. BARKLEY. Of course, I am not familiar with the details of what the Senator may have in mind. I recall that several days ago a Member of the House made a speech making all sorts of charges against the Federal Reserve Board and almost everybody else who had anything to do with the financial structure of our country. However, I do not believe that in that speech he made any specific charges upon which I would feel justified in reopening the matter.

Mr. BROOKHART. Oh, yes; he did. I went into that fully just a little while ago, before the Senator came in.

Mr. BARKLEY. I have been necessarily absent a portion of the morning and I am trying to find out now what is the basis for the charges.

Mr. SMOOT. Mr. President, I have known Eugene Meyer for a quarter of a century. I do not believe there is a more honorable man in the United States, financial or otherwise, than Eugene Meyer. It does seem to me it is a perfectly useless proceeding to try to blacken the character of a man of that kind by now asking in the Senate that the nomination be recommitted to the committee for further investigation. I agree fully with the statement made by the Senator from Virginia [Mr. GLASS] in relation to Mr. Meyer's character. I believe that the thing to do is either to vote to reject him or vote to confirm him now. I believe there is not a man in the United States who is better qualified for the position to which he has been named by the President of the United States than is Eugene Meyer.

Mr. NORRIS. Mr. President, I had not intended to say anything, but the remarks just made by the Senator from Utah, it seems to me, can not and should not remain unchallenged. He said in the course of his statement that he does not believe there should be any attempt on the part of the Senate of the United States to blacken the character of Eugene Meyer.

Mr. WAGNER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. WAGNER. The fact is, of course, that Mr. Meyer comes from my State. May I make this suggestion, if the Senator will yield for the purpose——

Mr. NORRIS. Let me make my statement first, since I have the floor.

Mr. WAGNER. I was going to make the suggestion to the Senator that we send the nomination back to the committee and agree now upon a time when the hearings shall be had.

Mr. NORRIS. No; I would not agree to do that in the Senate. I think it would be for the committee to determine that matter.

The PRESIDENT pro tempore. That may not be done in the Senate.

Mr. NORRIS. The committee ought to determine a question of that kind.

Mr. NORBECK. I hope the Senate does not issue any orders to the committee. If the nomination is sent back to the committee, I can assure the Senate that it will be disposed of within a few days.

Mr. NORRIS. Of course, we all assume that the committee will do its duty.

Returning now to what I was proceeding to say, the Senator from Utah [Mr. SMOOT] said that we ought to act on the nomination now and there ought not to be any attempt on the part of the Senate to blacken the character of Eugene Meyer. Has it come to the point that a Senator can not oppose a nomination made by the President of the United States unless he be charged with an attempt to blacken the character of the nominee? I have not heard of such a thing, and I know of no Member of the Senate who has any such thing in mind. If the consideration of a nomination made by the President of the United States by a Senate committee having hearings and calling witnesses before the committee constitutes blackening of a man's character, then we ought to amend the Constitution and take away from the Senate any confirming power. Have we any responsibility here as Members of the Senate under the Constitution when a nomination is sent to us? Has it come to a time when no Senator can ask for a hearing or ask that a man be put on the witness stand without somebody saying we are attempting to blacken a character?

Eugene Meyer may be, as the Senator from Utah says, the best man in the United States for this position. I think that is substantially what the Senator from Rhode Island [Mr. METCALF] said. It may develop that that is true. Is a man who has a character that is unblemished and who has an ability that is greater than anybody else's ability afraid to come before a Senate committee? If he is that kind of a man, spotless and pure and supreme in his wisdom and ability, he should not be afraid to come before an ordinary committee of the Senate. It is no aspersion upon his character that he is asked to do so. We are charged with the duty of acting on this nomination. I have nothing in my mind or in my heart, personally or otherwise, against Mr. Meyer, but he has been named to an office and the Constitution provides that we must either confirm or reject it. It appears that a Member of the Senate wants to ask him some questions.

There appears also, to my mind, another serious thing. A letter was read to-day, directed to the members of the Banking and Currency Committee of the Senate, written by the chairman of the House Committee on Banking and Currency, making, I take it, charges which, if true, while they would not impeach the honor or integrity or ability of Mr. Meyer, would, in my judgment, disqualify him for the place to which he has been named. We would not all agree on that matter. Some of us, assuming that the charges are 100 per cent right, might think all the more of him for that reason. I find no fault with any Senator who thinks so, but some of us would like to keep out of international affairs with our financial operations, so far as we can.

While Mr. McFADDEN's letter does not charge certain things outright, yet he has made certain statements as chairman of the great Banking and Currency Committee of the House which, if true, would cause me to hesitate in voting to confirm that kind of a man. I would not want that kind of a man at the head of our Federal Reserve Board. I

do not believe others would. If a majority of Senators do not, and if it develops that he is interested, as the McFadden letter intimates he is, in putting us into the international banking system, then I do not believe we should confirm him. But in any case, why not let the truth come out? I do not take it that it will be of discredit to him.

A man has a right to believe in the International Bank and in putting the United States into it. Some of us do not believe that we ought to go that far or to go that way at all. That does not mean that we are charging those who do believe in it with any dishonor or any lack of ability or with not being good citizens. But that is one of the questions which the committee ought to investigate.

I think the letter of Mr. McFADDEN, which was read here to-day, is couched in the most courteous terms, no matter what we may think of him or his ideas, safely guarded against any attempt to browbeat or unduly influence or control the action of the committee or the Senate—a very courteous letter calling the attention of the Senate committee to certain things which he charges are facts. He gives dates and names. He gives the names of witnesses whom he suggests ought to be called before the committee, and I think they ought to be called. I do not know what the result will be. I have no knowledge. I am not claiming to know anything to the detriment of Mr. Meyer that would disqualify him; but if some of the things outlined in that letter are shown to be true, I do not intend to vote for his confirmation. By voting against his confirmation I would hope that I would not be charged with making any disreputable charge against the man or being guilty of an attempt to blacken his character or even to question his ability, or even to question or interfere with the personal friendship which so far as I know exists between myself and Mr. Meyer.

Mr. NORBECK. Mr. President, after conferring with other members of the Committee on Banking and Currency, and especially with the Senator from New York [Mr. WAGNER], I ask unanimous consent that the matter be recommitted to the Committee on Banking and Currency.

Mr. GLASS. Mr. President, I want merely to say that, knowing Eugene Meyer as I do know him, and have known him for the last 12 years, I am sure it would be his desire to have his nomination go back to the Committee on Banking and Currency and to renew the opportunity that anybody had at the time his nomination was reported for any inquiry of a proper nature that anybody may desire to institute. Therefore I concur in the suggestion of the chairman of the committee that the nomination be sent back to the committee.

Mr. HARRISON. Mr. President, may I suggest to the Senator from South Dakota that he couple with his unanimous-consent request an agreement that the committee shall make a report back to the Senate within a definite time so the matter can be gotten out of the way?

Mr. NORBECK. It is difficult for me to make any such request as that, because I do not know how extensive the hearings might be. That is for the committee to decide.

Mr. GLASS. The Senator knows how extended the hearings were which were had a few years ago.

Mr. HARRISON. I think in view of the situation in the country the matter ought to be gotten out of the way one way or the other. If Mr. Meyer is going to be defeated, let some one else be appointed. If the committee is going into extended hearings for three or four weeks, we ought to know it. It would seem to me that we ought to have an agreement that the committee shall report back within a definite time.

Mr. LA FOLLETTE. Mr. President, in reply to the suggestion of the Senator from Mississippi I want to point out that when the matter was voted on in the committee previously there were only 2 votes against Mr. Meyer. Therefore it is perfectly obvious that there will be no attempt made to delay the matter. On the other hand, it seems to me it would be a mistake for the Senate, without knowing anything about how many witnesses would be called, to limit the action of the committee. It seems to me the Senate ought to have confidence in the committee that it will discharge its duty in this matter with discretion and with due regard to the importance of the existing situation.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota that the nomination be recommitted to the Committee on Banking and Currency? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

REPORTS OF NOMINATIONS

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. GILLETT, from the Committee on the Judiciary, reported favorably the nomination of Albert W. Harvey, of Vermont, to be United States marshal, district of Vermont, which was placed on the Executive Calendar.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States submitting nominations were referred to the appropriate committees.

FEDERAL POWER COMMISSION

The VICE PRESIDENT. The calendar is in order.

The Chief Clerk read as follows:

Federal Power Commission.

Mr. WALSH of Montana. Mr. President, I think I will suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Smith
Black	George	La Follette	Smoot
Blaine	Gillett	McGill	Steiwer
Blease	Glass	McKellar	Stephens
Borah	Glenn	McMaster	Swanson
Bratton	Goff	McNary	Thomas, Idaho
Brock	Goldsborough	Metcalf	Thomas, Okla.
Brookhart	Gould	Morrison	Townsend
Broussard	Hale	Morrow	Trammell
Bulkley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cutting	Heflin	Phipps	Watson
Davis	Johnson	Pine	Wheeler
Deneen	Jones	Pittman	Williamson
Dill	Kean	Reed	

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, in the communication from the President of the United States in response to the request of the Senate for the return to it of the notice of the action taken by the Senate with respect to the confirmation of three members of the Federal Power Commission, he took the position that once the Senate had acted, and had resolved to confirm a nominee, and had advised the President of its action all power of the Senate was gone, that the matter was entirely out of its hands, and it was powerless to reconsider. With respect to that contention it is enough to say that the rules of the Senate clearly are in contravention of that idea, because they expressly provide for reconsideration although notification shall have gone to the President.

Mr. President, these rules have been in force for a long time. The view that the Senate has the right to reconsider its action in confirming nominations after notice has been sent to the President, clearly to be deduced from the rules of the Senate themselves, is enforced when we consider the circumstances under which these rules were adopted. They were adopted in 1877, prior to which time the rule of the Senate in relation to the particular matter now under discussion read as follows:

When a question has been once made and carried in the affirmative or negative it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

That is to say, Mr. President, that prior to the year 1877 the Senate by its rules expressly provided that once notification had gone to the President the power to reconsider failed.

The Senate changed that rule, and changed it to provide that, although notice had gone to the President, the Senate might, nevertheless, within two executive sessions thereafter reconsider its action. Those rules have been in force since 1877, now over 50 years, so that the controversy is really one between the President of the United States, on the one hand, and the Senate of the United States on the other.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. WALSH of Montana. I yield.

Mr. VANDENBERG. I am interested in this interpretation, and before the Senator leaves the other phase of the discussion I wish to ask does he think that there is any time limit in reason which would run against the Senate's right within two executive sessions to reconsider a nomination after the notification had gone to the White House? Let me amplify the question. Suppose there were not two subsequent executive sessions for 90 days; would the Senator say that after 90 days we would still have the right, under the rule, to proceed?

Mr. WALSH of Montana. That is not conceivable, but it is perfectly easy, Mr. President, under the rules, if the rules of the House of Representatives are to be adopted, to take care of the situation by making a motion to reconsider immediately, and then a motion to lay such motion on the table.

Mr. VANDENBERG. If the Senator will yield again, the situation I described is not inconceivable because the Senate did not have an executive session from December 20 to March 3, 1921. I am wondering if a nomination was confirmed on December 20 and the Senate reconsidered it on March 3 would not that palpably be an act tantamount to impeachment or to removal rather than in good faith a reconsideration?

Mr. WALSH of Montana. No; it would not be tantamount to removal, because the Senate had not yet finally confirmed.

Mr. VANDENBERG. Then the Senator takes the position that in the case cited, even on March 3, under our rules, we would be entitled to reconsider?

Mr. WALSH of Montana. Yes; if one could conceive of such a thing, if it were 10 years it would be the same, but, of course, such a situation as that really could not be conceived of.

Mr. VANDENBERG. Then, the Senator does not think that such action invades the field of removal rather than being confined to the field of confirmation?

Mr. WALSH of Montana. Not at all. If the Senate rules provide that it may within two executive sessions reconsider, it may reconsider within that time. The Senator, however, will bear in mind that there is another rule, that if the Senate adjourns or takes a recess for more than 30 days the motion to reconsider falls.

Mr. VANDENBERG. Will the Senator yield further?

Mr. WALSH of Montana. Yes.

Mr. VANDENBERG. I am thinking, nevertheless, Mr. President, of the situation which actually existed in 1921. Suppose that the nominations that had been confirmed on December 20, 1921, were reconsidered on March 3 because of something that had happened on February 1. That obviously would relate to removal from office for an act subsequent to confirmation, would it not?

Mr. WALSH of Montana. Oh, no; removal is entirely outside of the question. It is simply a question as to whether the confirmation is complete or not; that is all.

Mr. VANDENBERG. Then, I am to understand that there is no limitation, in reason, upon the time which this rule runs?

Mr. WALSH of Montana. I do not undertake to say that if such a case as that arose the court might not hold that the rule was an unreasonable one. If the court should so hold, the rule would be valueless, of course. The rules must be reasonable. One may possibly conceive of certain circumstances under which the rule would be unreasonable and that might present a question of the validity of the rule; but that is aside from the question that is before us.

In this instance the Senate recessed on the 20th day of December, immediately after the nominations of the members of the Federal Power Commission were confirmed, and immediately upon reassembling the Senate went into executive session and the motion to reconsider was made.

Now, let me proceed. Mr. President, I want to call attention to the fact that this is no fanciful idea that originated with the Senate or with the so-called "coalition" in the Senate. These rules were adopted by the Senate of the United States in 1877, at which time this body consisted of 39 Republicans, 26 Democrats, and 1 independent. So the rules are the product of a Republican Senate, and have been in existence now for more than 50 years without any challenge from anybody. Moreover, Mr. President, they were framed by a Senate that was distinguished for the many able lawyers upon both sides of the Chamber, Republican as well as Democratic.

On the Republican side, for instance, there were Hannibal Hamlin, James G. Blaine, George F. Hoar, Roscoe Conkling, and George F. Edmunds. Edmunds had the reputation at that time of being one of the greatest constitutional lawyers who ever sat in this body. Conkling was a lawyer of very great capacity. Hoar everybody recognizes as one of the great judicial lights of this country.

On the other side there were men equally eminent in the legal profession; for upon that side could be found John T. Morgan, Augustus H. Garland, Thomas F. Bayard, L. Q. C. Lamar, and Allen G. Thurman. Lamar afterwards becoming an Associate Justice of the Supreme Court of the United States and Garland the Attorney General of the United States.

So that these rules which asserted the power of the Senate to reconsider votes by which nominations had been confirmed after the President had been notified of the action of the Senate were framed by a Senate that was thus constituted, and in which the Republicans were in a very decided majority.

In addition to these legal lights upon both sides of the Chamber, however, there was likewise in this body David Davis, classified as an independent, also regarded as one of the luminaries in our great galaxy of American lawyers.

The Supreme Court of the United States had something to say at one time about the value and importance of rules of the Senate. I read from the case of United States *v.* Ballin (144 U. S.), at page 5:

The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which, once exercised, is exhausted. It is a continuous power, always subject to be exercised by the House, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

I submit that for the consideration of the Senator from Michigan in connection with the questions he addressed. Mr. President, we are not without a guide in the decisions of the courts with respect to the matter now before us; and I am going to trespass upon the patience of the Senate to

submit some authorities which seem to me to be quite decisive of the question before us.

The first is a decision of the Supreme Judicial Court of the State of Massachusetts, the opinion being written by Mr. Justice Holmes, the present veteran Associate Justice of the Supreme Court of the United States.

The opinion of Mr. Justice Holmes on such a question may not be highly regarded in some quarters; but I am quite in error if what he says upon a question of this character is not entertained with the very highest respect by the great body of the American people.

The case was a simple one. It was the action of the school committee of a town in relation to the election of a superintendent. The school committee had a right to elect a school superintendent. It elected one; but after a while it concluded that it had made a mistake and reconsidered the action, voted against the man whom it had elected, and chose another man for the place. The man first elected sought the office.

I read from the case of Wood *v.* Cutter et al. (138 Mass. 149). The court says:

> We are all of opinion that the petitioner shows no right to the office and that the writ ought not to issue. This is not the case of a fluctuating body, like a town meeting, nor is it one where the law prescribes a particular mode of voting in the performance of some public duty, as, for instance, the ballot, where it would be open to question whether the power to reconsider, if it were held to exist, would not practically destroy the secrecy intended to be secured. Both these elements concurred in Putnam *v.* Langley (133 Mass. 204), and when it was suggested in that case that perhaps after a ballot had been taken and the result in favor of a candidate announced and accepted further action by the same meeting would be ineffectual, the suggestion plainly had reference only to the facts of the case before the court.
>
> Here the mode of voting was determined by the pleasure of the voting body. At the meeting of April 7 it was by ballot; at the adjournment by yeas and nays. Under these circumstances no reason has been suggested to us why this vote should not stand on the same footing as any other vote of a deliberative body, and remain subject to reconsideration at the same meeting and before it has been communicated. It begs the question to say that the board had once definitely voted in pursuance of the instructions of the town meeting, and therefore was functus officio, and could not reconsider its vote. *The vote was not definitive if it contained the usual implied condition,* that it was not reconsidered in accordance with ordinary parliamentary practice, and it must be taken to have been passed subject to the usual incidents of votes, unless some ground is shown for treating it as an exception to common rules. Whether the board could have cut down their powers of deliberation by communicating their vote before the meeting was closed, or otherwise, is not a question before us. It is enough to say that an implied condition is as effectual as an express one; and that, in this case, the condition which has been stated must be implied.

So that this decision holds, this opinion recites that when the Senate confirmed these nominations there was an implied condition that they might thereafter reconsider their action within two days, and that must be taken into consideration.

It will be observed that in this particular case attention is called to the fact that the action taken by the town council had not been communicated, and the question is left open as to whether or not that would alter the conditions. I shall now call your attention, however, to a case in which not only was the information communicated to the officers but the officers actually went into office and had exercised the office for some long period thereafter before action was taken to reconsider.

Mr. VANDENBERG. Mr. President, may I ask the Senator one more question?

Mr. WALSH of Montana. Yes.

Mr. VANDENBERG. I am not seeking to be controversial at the moment. I am merely seeking information.

Mr. WALSH of Montana. I beg to say that I shall be very glad to be interrupted by the Senator.

Mr. VANDENBERG. The Senator now is discussing the doctrine of implication. Does he think that anything could be said for the point that there is equally an implication involved when the Senate notifies the President that the Senate has waived its right to reconsider?

Mr. WALSH of Montana. That is quite impossible under the rules, because the rules provide for reconsideration after notice has been sent; so how can it be implied that we waived the right to reconsider by reason of sending the notice?

I should like to have an answer from the Senator, if he cares to answer that question.

Mr. VANDENBERG. My view has been, Mr. President, that the act of notification had within it an implication of unanimous consent.

Mr. WALSH of Montana. Unanimous consent that he be notified.

Mr. VANDENBERG. Unanimous consent that he be notified, which, in turn, indicates the consent of the Senate that the matter should pass out of its control.

Mr. WALSH of Montana. But let me call attention to the rule. The rule provides that if the President has been notified, then the motion to reconsider shall be accompanied by a request that he return the notification; and it also provides that if the motion to reconsider is debated and is under consideration by the Senate, notice may even then be sent to the President of the action theretofore taken. Accordingly, it is impossible to reach the conclusion that the Senator suggests.

Let me call attention to the case to which I last adverted—the case of People ex rel. Mrs. John MacMahon et al., appellants, against Edwin S. Davis et al., appellees, reported in Two hundred and eighty-fourth Illinois, at page 439.

In that case the power was given by the statute to the mayor of the city of Chicago to appoint a school board, or a board of education. The mayor appointed and sent the nominations for confirmation to the council, as required by the law. The council confirmed the nominations; and then, the nominations being confirmed, some one made a motion to reconsider the action taken, and a motion was then made to lay on the table the motion to reconsider. Meanwhile, they had an election in Chicago, and a new mayor came in, who appointed a new board of education; and the contest arose as to whether there was a vacancy which could be filled by the appointment of the new mayor.

The court first took under consideration the question of the effect of the motion to lay upon the table the motion to reconsider; and the court held that the rule of the House of Representatives to the effect that a motion to lay upon the table a motion to reconsider is a final disposition of the matter was a rule peculiar to the House of Representatives, but that the general parliamentary rule was otherwise, and that a motion to lay upon the table is not a final disposition of the matter, but allowed it to remain in statu quo. Then, when the new organization came into power, some one moved to take from the table the measure, and the court held that that was proper; and they took up the matter again, reconsidered the action taken, and elected the new men.

The following is from the syllabus of the case:

> A city council, acting under general parliamentary law and under its own rules adopted for the reconsideration of questions, may reconsider the confirmation of appointments to office by the mayor, as the confirmation of executive appointments is not the same thing as an election to office.

The first paragraph in the syllabus is as follows:

> A municipal council, like other legislative bodies, has a right to reconsider, under parliamentary rules, its votes and action upon questions rightfully pending before it and rescind its previous action.

I read from the body of the opinion, as follows:

> It is insisted that the council has no power to reconsider an election of officers by it; that the confirmation of an appointment is virtually an election to office; that the same rule applies to confirmations as to elections; and that the weight of judicial authority denies to deliberative assemblies the power to reconsider the election of an officer which it was authorized to make. This is not, however, the case of an election—a choice between two or more candidates. The council does not in any sense choose the appointee. The question before it is the approval of an executive act of the mayor. Its action is discretionary and deliberative. No good reason is apparent why the council may not establish rules in such cases for the government of its own procedure in arriving at its final judgment as well as in other cases. Orderly procedure requires some rules for the proper dispatch of

business and deliberation in its conduct. The confirmation of executive appointments should be deliberately considered, and the rules applicable to ordinary questions to secure such deliberation may well be applied.

The question of the power of the senate to reconsider its action in advising and consenting to an appointment by the governor of a member of the board of State tax commissioners arose in Michigan and was decided in Attorney General *v.* Oakman (126 Mich. 717).

The senate having adopted a resolution confirming the appointment, a motion to reconsider the vote was made at the same executive session and prevailed. The question then recurring on the original resolution was decided in the negative. In an action to determine the appointee's title to the office, the court stated the question to be whether the senate, at the same session and before any action based upon the first vote had been taken, might reconsider the vote by which it had advised and consented to the nomination of the governor. The reasons given by the court in deciding the case and the authorities cited in the opinion completely answer the contentions of the appellees. The court said (p. 721): "It is contended by the respondent that the senate, in consenting to an appointment by the governor, is performing an executive and not a legislative duty, and that when it has once given its consent it has exhausted its power; and it is further contended that rule 40 has no application. It is conceded by the relator and has been held by this court, following Marbury *v.* Madison (1 Cranch, 137), that when the appointing power has once exercised its functions it has no power to recall an appointment.

* * * * * * *

The question recurs whether, where an appointment or concurrence in an appointment is a subject of action by a deliberative body, that body may by rules of its own, or acting under usual parliamentary rules, cast a vote upon the subject which is subject to reconsideration, for if such course is permissible the appointment is not complete beyond recall until the power to reconsider has been cut off by the lapse of time. Fortunately, authorities bearing upon this subject are not wanting and it only remains to apply them. In Wood *v.* Cutter (138 Mass. 149), the school committee of a town had authority to elect a superintendent. The committee voted to elect relator. At the same meeting a motion to reconsider was made and carried and the respondent was elected. The language of Holmes, J., is pertinent to this case—

Quoting Mr. Justice Holmes.

The Michigan case to which I refer, which I commend to the attention of the Senator from that State, is found in One hundred and twenty-sixth Michigan, at page 718, the case of Attorney General against Oakman. I read from the opinion as follows:

Rule 40 of the senate provides:

"When a question has been once put and decided, it shall be in order for any member to move the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order unless the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall be in the possession of the senate; nor shall any motion for reconsideration be in order unless made on the same day the vote was taken, or within the next two days of the actual session of the senate thereafter; nor shall any question be reconsidered more than once."

I read this particularly for the purpose of indicating that our rule giving the right to reconsider within two executive sessions after the action is taken is by no means an uncommon one. It is the same rule which obtains in the State of Michigan, and, as I shall show later, in another State. I read further:

It is contended by the respondent that the senate, in consenting to an appointment by the governor, is performing an executive, and not a legislative, duty, and that, when it has once given its consent, it has exhausted its power; and it is further contended that rule 40 has no application. It is conceded by relator, and has been held by this court, following Marbury *v.* Madison (1 Cranch, 137) that, when the appointing power has once exercised its functions, it has no power to recall an appointment. See Speed *v.* Detroit Common Council (97 Mich. 198 (56 N. W. 570)). The question recurs whether, where an appointment or concurrence in an appointment is a subject of action by a deliberative body, that body may, by rules of its own, or acting under usual parliamentary rules, cast a vote upon the subject which is subject to reconsideration; for, if such course is permissible, the appointment is not complete beyond recall until the power to reconsider has been cut off by the lapse of time.

Fortunately, authorities bearing upon this subject are not wanting, and it only remains to apply them.

Reference is made to the case of Wood against Cutter, to the language of Justice Holmes, and reference also is made to the case of State *v.* Foster (7 N. J. Law).

I now call attention to a case from the State of Mississippi, the rules of whose senate were in the very language of the rules of the Senate of the United States, the case of Witherspoon against State on relation of West, reported in One hundred and thirty-eighth Mississippi, at page 310, a very recent decision, rendered in the year 1925.

Inasmuch as this opinion seems to be so particularly applicable to the case before us, I shall ask the indulgence of the Senate while I read at some length from the opinion, as follows:

The question then presented is, Did the senate confirm the appellant's appointment? Or, to express it differently, Was the affirmative vote on the resolution confirming the appellant's appointment final? For, unless that vote was final, the confirmation remained in fieri and subject to the control of the senate.

Deliberate assemblies, in order that the will of a majority of its members may be ascertained and registered in an orderly way, must, ex necessitate rei, be governed by rules of procedure to which each member thereof must conform. In the absence of special rules of procedure adopted by such an assembly, or for it by an outside power having the right so to do, its procedure is governed by the general parliamentary law (29 Cyc. 1687); Roberts's Rules of Order, Revised, page 15, one of the rules of which is that when a motion has been made and carried or lost, it may be reconsidered on a motion therefor by a member of the assembly who voted with the prevailing side made "on the day the vote to be reconsidered was taken or the next succeeding day, a legal holiday or recess not being counted as a day." (Roberts's Rules of Order, Revised, p. 156.)

"All deliberative assemblies during their session have a right to do and undo, consider and reconsider, as often as they think proper, and it is the result only which is done."

This was said in 1823 by the Supreme Court of New Jersey in State *v.* Foster (7 N. J. Law, 101, p. 107), wherein was involved the right of the State legislative council and general assembly in joint meeting to reconsider a vote by which an appointment to office was claimed to have been made; the court further saying:

"In this case, so long as the joint meeting were in session, they had a right to reconsider any question which had been before them or any vote which they had made."

See also Crawford *v.* Gilchrist (64 Fla. 41, 59 So. 963, Ann. Cas. 1914B, 916).

The solution of this question, however, does not depend on the general parliamentary law or the power which deliberative assemblies ordinarily have to adopt rules of procedure, for the power to adopt such rules is expressly conferred on the senate by section 55 of the constitution, which provides that "each house may determine rules of its own proceedings."

Among the rules of the senate adopted by it pursuant to the authority conferred on it by this section of the constitution and in force January 30, 1924, are the following:

"RULE 40. When a question has been once made and carried in the affirmative or negative, it shall be in order for a senator voting with the prevailing side to move a reconsideration thereof; but where the yeas and nays have not been had, this restriction shall not prevail; any senator may make the motion to reconsider.

"RULE 41. No motion to reconsider a vote shall be entertained unless it be made on the same day on which the vote was taken or on the next day on which a quorum is present.

"RULE 43. Nominations approved or rejected by the senate shall not be returned by the secretary of the senate to the governor or other officer until the expiration of the next executive session, unless it be the last day of the session; or while a motion to reconsider is pending, unless otherwise ordered by the senate."

Published journal of the Senate of the State of Mississippi for 1922, at page 1842.

Rule 43, above set out, was amended on February 6, 1924, some days after the vote on the resolution confirming the appellant's confirmation was reconsidered. This amendment, however, adds nothing here material to the rule as it existed on January 30, 1924.

Counsel for the appellant concede the power of the senate to "determine rules of its own proceedings" as to legislative matters, but seek to limit its power so to do in matters of an executive character, but the constitution, to which alone we should look in this connection, contains no such limitation. How this section of the constitution can be construed so as to exclude from it the right of the senate to determine rules of its own proceedings in transacting business of an executive character is not apparent, for the words in which the grant of power to the senate to adopt rules of procedure is couched are about as broad and comprehensive as the English language contains, and this court is without the right to ingraft any limitation thereon.

The legislature is a coordinate department of the government, and each house thereof is supreme in its own sphere, and no other department of the government has the right to interfere therewith. No reason is given for the distinction here sought to be drawn between the power of the senate to reconsider a vote on a matter of legislative character and its power to reconsider a vote on a matter of an executive character, and it is believed that no sound reason therefor can be given. Of course, as hereinbefore stated, when the senate confirms an appointment made by the governor, it is without power thereafter to revoke the confirmation; but under the rules of the senate which the constitution authorized it to adopt no vote on the confirmation of an appointment to office is final, and consequently there is no such confirmation until a motion to reconsider an affirmative vote thereon has been disposed of adversely or the time for the making thereof has expired without such a motion being made.

The provision of section 55 of the Mississippi constitution that "each house may determine rules of its own proceedings" was

taken verbatim from Article I, section 5 of the Constitution of the United States, and when the present Mississippi constitution was adopted there was, and still is, in force a rule of the Senate of the United States which provides that—

"SEC. 3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate," etc.

"SEC. 4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate."

Rule XXXVIII, sections 3 and 4 of the United States Senate, which will be found on page 38 of the Senate Manual containing the standing rules and orders of the United States Senate, prepared under the direction of the Senate Committee on Rules, Sixty-third Congress, and published in 1915.

While the interpretation put upon this clause of the two Constitutions by both the National and State Senates is not binding on the courts, it is, to say the least, very persuasive as to its correctness and should not be departed from unless manifestly wrong. And that can hardly be here said in view of the following authorities which support the right of a Senate to reconsider an affirmative vote on the confirmation of an appointment to office: Attorney General *v.* Oakman (126 Mich. 717, 86 N. W. 151, 86 Am. St. Rep. 574); People *v.* Davis (284 Ill. 439, 120 N. E. 326, 2 A. L. R. 1650); Allen *v.* Morton (94 Ark. 405, 127 S. W. 450); Baker *v.* Cushman (127 Mass. 105); Putnam *v.* Langley (133 Mass. 204); Wood *v.* Cutter (138 Mass. 149); Reed *v.* Deerfield (176 Mass. 473, 57 N. E. 961); State *v.* Foster (7 N. J. Law, 101); Whitney *v.* Van Buskirk (40 N. J. Law, 467); Conger *v.* Gilmer (32 Calif. 75).

Mr. President, I have adverted to these authorities, which seem to me definitely to dispose of the legal question involved here, because, of course, the say-so of the President of the United States goes a long way, in the first place, and, in the second place, an effort has been made to convey through the press the idea that there is no question about this matter at all. Thus I have before me an editorial appearing in the Boston Post, from which I read, as follows:

PRESIDENT HOOVER IS 100 PER CENT RIGHT

President Hoover is 100 per cent right in his latest battle with the Senate. He will defeat this brazen attempt to obtain a throttle hold on Federal officials appointed under the law by the President and confirmed by the Senate.

Under the pretext of demanding that the nominations of three members of the Power Commission, previously confirmed and sworn in, be returned to the Senate so that they may be rejected now, lies the purpose of grabbing the President's prerogative of discharging or demanding the resignation of such officials, thus making the Nation's entire list of Executive appointees subject to the varied whims of that body of 96 men, a majority of whom seem to be imbued with the mission to set themselves up as dictators of this great country.

Think of what would happen if the Senate won this fight. General Dawes, our ambassador to the Court of St. James, might conceivably offend Senators because his style of pipe was not to their liking. They could demand that the President resubmit his nomination, whereupon it could be rejected, and the general would of necessity pack his bag and return to this country. Any Cabinet officer could be removed in like manner, and even Chief Justice Hughes and all the Associate Justices of the Supreme Court could be fired at any time a majority of the Senate wished them fired. The same rule would pertain to postmasters, as well as collectors of internal revenue, Army and Navy officers, anybody named by the Chief Executive for a certain post and once confirmed.

That is the kind of material that has gone out to convince the country that the Senate is endeavoring to usurp the powers of the President.

Let me remark that this editorial discloses dense ignorance of the question or unmitigated malice, either the one or the other, because it is not even contended that any such result will follow, the power of the Senate having expired after two executive sessions shall have ensued subsequent to the confirmation of a nomination.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. The editorial bases its contention upon the assumption about which the debate took place.

Mr. WALSH of Montana. Exactly.

Mr. BORAH. The editorial says "previously confirmed." The whole question is whether or not they had been confirmed. If in fact confirmation had been had, if the Senate had consummated its work, then of course we could not act further. But that was the very question, had they been confirmed.

Mr. WALSH of Montana. Exactly; and the long argument of the Senator from West Virginia [Mr. GOFF] proceeds upon exactly the same theory. Of course, if they have been confirmed by the final action of the Senate, there is no power in the Senate to recall them. Everyone concedes that.

Mr. PITTMAN. Mr. President——

Mr. WALSH of Montana. I yield.

Mr. PITTMAN. I think the Senator should reconsider the charge of malice. I do not believe a newspaper editor should be charged with malice without conclusive proof of it. I do not think it is out of the way to charge some of them with ignorance.

Mr. WALSH of Montana. I said it was either the one thing or the other. I did not undertake to say which.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. GEORGE. I congratulate the Senator from Montana, because the Senator from Michigan [Mr. VANDENBERG], who is closely following the discussion, occupies a dual position. He is an able editor as well as a distinguished Member of this body. Perhaps if we succeed in persuading him as a Senator we may succeed in the same undertaking with him as an editor.

Mr. WALSH of Montana. In view of the situation I move that the nominations be recommitted to the Committee on Interstate Commerce, and if that motion is carried I shall then submit a resolution applicable to the matter before us.

I may say in this connection that I spoke in haste the other day when I said in the Senate that there was no way in which the validity of these appointments could be tested by the courts. A further study has satisfied me that the way is open. The Code of the District of Columbia has a chapter dealing with the subject of quo warranto, from which I read as follows:

231. A quo warranto may be issued from the Supreme Court of the District in the name of the United States—

First. Against a person who usurps, intrudes into, or unlawfully holds or exercises within the District a franchise or public office, civil or military, or an office in any domestic corporation.

Second. Against any one or more persons who act as a corporation within the District without being duly authorized, or exercise within the District any corporate rights, privileges, or franchises not granted them by the laws in force in said District.

And said proceedings shall be deemed a civil action.

232. The Attorney General or the district attorney may institute said proceeding on his own motion or on the relation of a third person.

Note, "on the relation of a third person."

But such writ shall not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator shall file a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court may prescribe, conditioned for the payment by him of all costs incurred in the prosecution of the writ in case the same shall not be recovered from and paid by the defendant.

233. If the Attorney General and district attorney shall refuse to institute such proceeding on the request of a person interested—

Note now, "on the request of a person interested"—

such person may apply to the court by verified petition for leave to have said writ issued; and if in the opinion of the court the reasons set forth in said petition are sufficient in law, the said writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of said interested person, on his compliance with the condition prescribed in section 232 of this title as to security for costs.

The Supreme Court of the United States has held that under that statute no person is an interested person unless he has some other interest in the office than such as pertains to the ordinary citizen or taxpayer of the District. Accordingly, Mr. President, it would seem as though the United States district attorney for the District of Columbia has the right to institute or decline to institute these pro-

ceedings. I shall accordingly, if the motion to recommit shall prevail, offer the following resolution:

Resolved, That the district attorney for the District of Columbia be and he is hereby requested to institute proceedings in quo warranto under the code of the said District in the Supreme Court thereof to test the right of George Otis Smith, of Marcel Garsaud, and of Claude L. Draper, each as a member of the Federal Power Commission; that he be requested to associate with him counsel for the United States Senate in such proceeding; that the chairman of the Committee on the Judiciary, in the event that the requests herein recited are acceded to, be and he hereby is authorized to engage such counsel at a cost not to exceed $2,500, the expense of the litigation to be paid out of the contingent fund of the Senate.

I apprehend that the gentlemen who are so very positive that the power of the Senate is gone and that this is a usurpation of the Executive authority will be very glad to join with us in this method of getting an adjudication in the courts as to the right of the Senate in the premises.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. I wish to ask the Senator if he does not think that the case will be strengthened in the court, from a technical standpoint at least, if we should actually reconsider the votes?

Mr. WALSH of Montana. The Senator will understand that we have actually reconsidered them. Does the Senator mean if the nominations were rejected?

Mr. BORAH. I mean taking up the question as it comes from the committee and rejecting the nominations. It occurs to me that if the committee should report the names back and we should reject them, our position in the court, technically at least, would be very strong. The Senate then would have declared under its procedure that the nominees were not entitled to the offices. But if we have not taken final action might not the court well say, "This matter is still under consideration by the Senate"? Should the Senate confirm, the court would be without anything to decide.

I simply suggest this for the consideration of the Senator.

Mr. WALSH of Montana. I shall be very glad to confer with the Senator in respect of that question.

Mr. President, I had it in mind to ask that the nominations be recommitted with instructions to the committee to make a further exhaustive inquiry into the controversy which subsisted between Mr. Bonner on the one side and Messrs. Russell and King and probably Mr. Lawson on the other side, that the country at least might be advised of the real situation. I am moved to do it because of another editorial coming to my attention from a paper in the State of California which only expresses a not uncommon opinion prevailing that this was simply a kind of personal row between these gentlemen on the staff of the Power Commission. I read from the California paper, generally assailing the Senate as to the manner of the editorial from the Boston Post to which I have adverted. The editorial says:

The commissioners found a row raging in the office. The commissioners settled the row by cleaning out both sides.

That is all there was to it. It was kind of a personal row between some of these men. I had it in mind to ask that the nominations be recommitted with instructions to the committee to go into an exhaustive inquiry as to the real nature of the controversy which thus subsisted between these employees of the commission. But I find that that subject, as I was told by the chairman of the committee, has been pretty thoroughly explored by the committee, although but very little of it has come before the Senate or before the country, so that the idea persists, as I said, that this was nothing but a little personal quarrel. As a matter of fact those who have followed it realize that the controversy which was going on between these subordinates of the Power Commission is a controversy that is before the country to-day with respect to which I now desire to say something.

Mr. President, when the idea of developing hydroelectric power first addressed itself to the people of the country scarcely anyone realized the vast value that would eventually be found to reside in these great resources of the people of the country. Moreover it was to a very large extent an experiment, the commercial value of the power being of the very greatest question. But gradually electrical power came to be applied in greater and greater quantities to the purposes of the people and particularly to industrial uses, until these great power sites acquired and had an added value.

Originally, Congress quite freely granted the right to individuals and corporations to erect within navigable streams dams for the purpose of the generation of power, without any kind of restriction, simply giving them the right to construct dams. So out on the public domain the right was given to erect dams upon the public lands without any return whatever to the Government. But along about 1909 or 1910 the people began to recognize that that was a reckless and extravagant waste of natural resources and they began to insist, in the first place, that instead of granting a perpetual right, the right should be limited for a period of years and that there should be a substantial return to the Government. After having enacted quite a number of such statutes, granting the right to erect dams in the navigable streams, a change of opinion came over the country. I refer to the great Keokuk Dam at Keokuk, Iowa, across the Mississippi River, granted practically without any conditions and without any return whatever to the Government of the United States.

The people began to insist that certain conditions be incorporated in the laws. Eventually the Congress declined to grant any concessions of that character even upon conditions and demanded that there be enacted a general law applicable to the case, resulting in the enactment of the law of 1920, which provided that leases should be given by the Power Commission to erect dams, good for a period of 50 years, and that at the end of the time the Government or the State might take over the property, paying to the concessionaires or permittees the amount of the actual investment in the property.

Meanwhile the hydroelectric industry developed by leaps and bounds. I called attention some time ago in connection with another matter to the extraordinary development of great combinations, half a dozen of which controlled practically the whole country, a half dozen of them with assets, at least, with securities of one kind or another—stocks and bonds—in excess of a billion dollars.

Also attention was called to the fact that these great organizations had associated themselves together for the purpose of carrying on a propaganda all over the country in favor of private ownership of these utilities and against municipal ownership or public ownership in any form whatever; that in that connection vast sums of money had been spent by those organizations in endeavoring to convince the public that private ownership was the only method by which the people ought to be supplied and that public or municipal ownership was wasteful and extravagant and ought to be rejected; that in the accomplishment of that purpose they had printed books, purporting to be the work of eminent scientists throughout the country; that they had prepared textbooks to be introduced into the public schools for the purpose of influencing public opinion; that they had practically bribed professors in the universities to go around and deliver lectures all over the country in favor of their contentions; and that they had filled up the newspapers with all manner of editorials and news articles advocating insidiously their contentions, and so on. I need not dwell upon that.

However, it was also found, Mr. President, that their capitalization had been inflated to the limit, but the law of 1920, in order that the Government might know at the end of 50 years how much it would be obliged to pay for the property it was to take over, required that these corporations file statements concerning the actual investment which they had made in the various properties. The records of the Federal

Trade Commission and the Water Power Commission are replete with evidence of the grossest kind of inflation in the statements thus filed and contentions made, some of them perfectly ridiculous, concerning expenditures made in securing licenses and prosecuting developments.

Mr. WATSON. Mr. President, will the Senator from Montana yield to me?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. Yes.

Mr. WATSON. I have been detained from the Senate Chamber until the present moment, and desire to ask has the Senator made a motion? Is there a motion pending?

Mr. WALSH of Montana. I have made a motion to recommit.

Mr. WATSON. And may I ask the Senator for what purpose?

Mr. WALSH of Montana. I must go back——

Mr. WATSON. Will the Senator not state it just in a word?

Mr. WALSH of Montana. If the motion to recommit shall prevail, I shall then offer a resolution requesting the United States district attorney for the District of Columbia to institute proceedings in quo warranto to determine the title of these gentlemen to the offices they occupy.

Mr. WATSON. Then the Senator, evidently, has changed his mind since the debate?

Mr. WALSH of Montana. Yes; I said so. I said to the Senate that I had spoken in haste the other day, and had since convinced myself that there is a remedy in the law.

Mr. WATSON. And the Senator is making this motion now in the hope of getting this whole question into the courts?

Mr. WALSH of Montana. Exactly.

Let me remark, Mr. President, with respect to the inflation of the expenditures made by these various companies of the amount of their investment, that in the items included in statements now on file with the Power Commission the accounting office of the commission has questioned the validity of amounts aggregating $110,182,280. In other words, if the statements made by the companies of their actual investments in the properties were accepted as correct, the Government of the United States at the end of 50 years would be obliged to pay over $110,000,000 more for those properties than the accounting office of the commission believes it ought to pay. Bear in mind, Mr. President, this is only the statement of the expenses thus far incurred; and before the entire work shall have been completed no one can undertake to say what further claims of expenditures will be challenged by the accounting officers.

So the chief trouble with respect to this matter is that Mr. Bonner was desirous of hurrying these things over without the attention which the accounting office believed they ought to have. Mr. King, the chief accountant, is a capable man, an excellent accountant, but he is a mild-mannered man, he is not a fighter at all; but Mr. Russell, the solicitor, whose information comes from Mr. King about the matter, was the fighting man on the staff of the commission, who was prepared to bring the permittees and licensees before the commission and interrogate them concerning these items for the purpose of establishing whether they are or are not legitimate charges.

Mr. President, I feel justified in going into this matter at some considerable length, and, as I have said, it had the rather careful attention of the Committee on Interstate Commerce.

It may not be entirely logical to do so, but I want to read first what appears in the record concerning the capacity of Mr. Russell. I pay particular attention to him because the commission evidently has recognized its error in discharging Mr. King and has restored him to the place he formerly occupied. I read from page 5 of the hearings before the committee from a letter addressed by Mr. Russell to the executive secretary of the commission at the time he was seeking to be transferred from the Interstate Commerce Commission to the Federal Power Commission:

I was inducted into the Federal service on the 17th day of August, 1925, in the P–4 grade under civil service regulations.

In 1926 I was advanced to senior attorney and in 1927 my salary was increased in that grade; and in 1928 was advanced to principal attorney, which position I now hold at a salary of $6,000 per year.

During my service of three and a half years with the Interstate Commerce Commission I have been continually engaged in the trial of valuation and recapture cases. Among the cases assigned to me were the Lehigh Valley, Central Railroad of New Jersey, the Wheeling & Lake Erie, the Sioux Lines, the Northern Pacific Railroad Co., the Southern Pacific Co., the Mississippi Central, the Baltimore & Ohio, and many other smaller roads.

I recently completed the valuation hearing of the Southern Pacific Co. and am now preparing a brief for the Bureau of Valuation in that case. I am also assigned charge of the valuation of the Baltimore & Ohio Railroad, the hearing upon which begins next Monday, the 21st. I have also been assigned as counselor in the valuation of the Western Union Telegraph Co., testimony regarding which valuation has been on before the commission for nine weeks subsequent to October 8 and is now in adjournment.

Necessarily, in all of the work that I have had to do with reference to the valuation of public utilities, I have absorbed a great deal of the engineering and accounting difficulties met in the solving of these problems, and, as to how well I have absorbed that information can best be expressed by those who are my superiors in the Interstate Commerce Commission.

I might say, Mr. President, that there will be found on pages 9 and 10 a letter from the chairman of the Interstate Commerce Commission to Mr. Merrill, the executive secretary of the Power Commission, which I read, as follows:

MAY 16, 1929.

Mr. O. C. MERRILL,
Executive Secretary Federal Power Commission,
Washington, D. C.

MY DEAR MR. MERRILL: I understand from you that the Federal Power Commission has under consideration the matter of engaging some one qualified to conduct hearings and prepare records in cases involving valuation, determinations of investment, and allied matters which come before your commission. I also understand that the name of Mr. Charles A. Russell, member of our bureau of valuation legal staff, is under consideration. Responsive to your questions as to his mental and technical equipment, and his abilities to fill such a position, I would say that he appears to me to be eminently well qualified. Mr. Russell has been with us for three or four years. He has been appearing as an attorney for the bureau in cases protested by the carriers. Out of a field of some 30 attorneys we engaged for closing up the primary valuation of railroads, Mr. Russell has made a distinctive place for himself. This is attested by the fact that he has been handling some of our largest and most important cases. He has the reputation of preparing for hearing of cases that are assigned to him with great thoroughness. He seems to have extraordinary powers of penetration and in the assembling of facts that ordinarily might not be brought into the range of knowledge of a case. His training as a lawyer and the intimate interest that he evinces results in his making a forceful presentation on argument.

As to his training: It has been particularly fortunate for our valuation work. He has had a great deal of original contact with the theory and work of utility and common-carrier valuations in the Northwest—Montana, Minnesota, and Wisconsin—where there has been a considerable militancy in the field of regulation for years. He has an understanding grasp of engineering and accountancy which are vital, both in the work of valuation and the determination of investment.

As the representative of the Interstate Commerce Commission to whom has been delegated the contact with the bureau of valuation, which involves a considerable degree of administrative direction, permit me personally to say that I would deplore losing Mr. Russell. That may be the highest commendation that I may give him. On the other hand, the opening here seems to offer advancement and increase in salary which under our organization is not at this time possible here. If that is the fact, I feel that I should not stand in his way by objecting to transfer if your commission should desire to employ him. But if it does not carry such increase and advantage, I would object to transfer.

Very truly yours,

E. J. LEWIS, *Chairman.*

Mr. President, that is the introduction of Mr. Russell to the Power Commission; and I assert that the record can be searched in vain for anything in his conduct as solicitor for the Federal Power Commission that indicates in any way whatever that he was less true to the interests of the Government and the people before that commission than he was before the Interstate Commerce Commission, or that he discharged the duties of his new office with any less degree of fidelity or capacity than that which he had exhibited in connection with his previous employment.

Mr. Russell told that before he went over to the Power Commission he was called up by Mr. Bonner, who desired him to come over and have a conference with representatives of the power interests. Mr. Russell demurred some-

what to that, but finally went over and met Mr. Leighton. His story about that is told in the following language—I read from the record:

Senator WHEELER. What did Mr. Leighton want to talk to you about?

Mr. RUSSELL. To make it short, he told me how to run the solicitor's office. I can go into details if you want me to, Senator.

Senator PINE. Who else was present?

Mr. RUSSELL. Mr. Bonner and the chief Army engineer.

Senator WHEELER. Who is that?

Mr. RUSSELL. Major Edgerton.

Senator WHEELER. I think it would be well for the committee to know just what your conversations were with Mr. Leighton or the group.

It might be said that Mr. Leighton was the representative of the Electric Bond & Share Co.

Mr. RUSSELL. The conversation and conference there lasted for a matter of probably two hours or more. I could not begin to give you everything that was said during that time. The substance of it was that Mr. King was a nice man, but that he was too meticulous; he was too insistent upon going into these companies' accounts; that the power companies were very much pleased with my appointment. They felt that the commission had made a wise move in obtaining a man of my experience and ability, and that I would be in position to tell Mr. King not to insist upon so many of these accounting matters that Mr. King was insisting upon; and they proceeded to tell me the difficulties in complying with these requests, that it meant the expenditure of money in large sums, great delay in time, all of which would be charged up to the public, and that Mr. King ought not to insist upon all of this detail information; that they were filing these reports under oath and that we ought to accept them at their face value.

He went on and began to tell me about a case up in Minnesota known as the Winton project—I did not know what it was then—that Mr. King had changed an allocation of $7.50 for some window curtains to $5.33, I think it was. He complained that at another place Mr. King had had the brick counted in some building. He had three or four little picayunish things of that kind, and I finally said, "Mr. Leighton, that does not amount to anything to me. Where it is a pure question of judgment and there is no principle involved, matters of that kind ought to be passed up. But what are your big questions?"

And then he began to tell me about Mr. King insisting upon their filing certain reports. For instance, he told me of one that Mr. King had requested, and he said they spent weeks to make it up; that it was a matter of some 600 or 700 pages that they had compiled in answer to Mr. King's inquiry, and after they had gotten it to Mr. King, Mr. King came back and insisted upon further information, all of which they had covered.

And he elaborated at great length upon that.

The fact of the matter was that after I got down to the Power Commission and asked Mr. King about it I found that they had prepared an exhibit of about 600 or 700 pages in answer to Mr. King's question that never answered the question at all, but which could have been answered on about 5 pages of typewritten paper.

He went on at great length to state that I was in position or would be in position so that I could tell Mr. King, in other words, to use a slang phrase, to "lay off" this power company.

We then started on the question of depreciation, and he said, "I don't know anything about depreciation, I am an engineer." He said, "I wish you would have a conference with six of the comptrollers of the big power companies some time after you get down here, and I want you to take this depreciation matter up with them and talk it over with them."

It is perfectly evident, Mr. President, that at that time, or immediately thereafter, the power companies were engaged in an effort to get King out of the way. The dismissal by the Power Commission on the 22d day of December last was but the culmination of an effort which had its inception immediately prior to the time that Russell was appointed solicitor and Bonner executive secretary; for they went into office contemporaneously. That appears indisputable from the fact that there was circulated around a document from its make-up and its context obviously prepared by the power companies or by some representative of the power companies, in all probability by Mr. Leighton. Nobody seems to know exactly where it came from, but, among other things, it had the following:

The electrical industry is particularly interested in the engineering department, which has charge of the investigation of proposed projects and the issuance of the licenses. Under Col. I. C. Kelley, the first chief engineer, now vice president of the Niagara Falls Power Co., and his assistant, Major Bennim, now with our own National Electric Light Association, a considerable number of licenses were granted. Recently, however, the conditions under which licenses have been issued have been made more stringent, and possession of Federal water power for any except the very near future development has been hard to acquire.

Our interest in the accounting department of the Federal Power Commission may be concisely stated as being negative. This department would be expected to assemble the information as to the actual original cost and other accounting facts necessary for the determination of the cost of recapture. Despite our efforts to curtail the work of this department, it appears to be expanding, and, as later stated, some of the activities of this department have very critical aspects for the electrical industry as a whole.

We were not so fortunate in the appointment of the chief accountant, Mr. William V. King. The act specifies the classification of accounts for steam railroads as prescribed by the Interstate Commerce Commission as a guide. Mr. King was formerly an accountant for the Interstate Commerce Commission, and in his new capacity was successful in having Mr. Merrill approve and the commission adopt a system of accounts for Federal water-power licensees that follows the standard of the Interstate Commerce Commission's classification of accounts for steam roads.

Observe that this document complains about the adoption by Mr. Merrill, at the instance of Mr. King, of rules for classification and accounting exactly the same, so far as they were applicable, as the rules of the Interstate Commerce Commission for the valuation of railroads. But the law, the Federal power act, in precise terms required just exactly that thing to be done; and the complaint made in this document is that Mr. King and Mr. Russell were honestly endeavoring to carry out the law.

This peculiar document continues:

Another activity, of which we do not approve, especially at this time, of the Federal Trade Commission investigation—

Observe, "Another activity of which we do not approve, especially at this time, of the Federal Trade Commission investigation"—

is the activity of this accounting department in seeking definite information concerning charges by our engineering and management concerns for services billed such subsidiary companies as held licenses for the construction of Federal power projects.

We were told here in the Senate some time ago that in the investigation thus carried on by the Federal Trade Commission the services which the superior company, the holding company, rendered to the subordinate company were charged to them at something like two hundred times the actual cost to the company furnishing the service.

The new rules of practice and procedure of the commission just recently adopted provide for the making public of the reports of the commission's examiners of accounts.

The foregoing statement shows how critical is the situation which now results from an increased appropriation from Congress which is to provide for an increase in the personnel, and consequent activity, of the accounting staff of the commission.

Observe that they now complain about the Congress of the United States having provided further personnel to carry on this work of the commission which is found by them to be so objectionable.

We have made representations to the water-power development committee of the United States Chamber of Commerce that this accounting work could be better done by the Departments of War, Interior, and Agriculture than by the commission's staff directly.

Then it clearly appears that the power companies wanted this accounting work done, not by the commission's own staff but by the staff of the War, Interior, and Agricultural Departments.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to his colleague?

Mr. WALSH of Montana. I yield.

Mr. WHEELER. Let me call to the Senator's attention that in line with what the power companies wished, Mr. Bonner constantly was calling upon the War Department and constantly trying to carry out the policy that was laid down by the power companies themselves in this article. Not only that, but my information is that the present commission is attempting to do the same thing, although when the present law under which the commission is working was before the Interstate Commerce Committee we attempted as nearly as we could to say specifically that we wanted it done not by the War Department but by the commission.

Mr. WALSH of Montana. I shall proceed to show that one of the major controversies between Bonner on the one side and King and Russell on the other appertained to this very thing. Bonner wanted to transfer the accounting over

to these other departments, as was desired by the power companies in this document, and that gave rise to one of the major controversies between them.

I continue reading from this document:

If this committee is successful in presenting this argument to the Secretaries who form the commission and further direct enlargement of the accounting staff is prevented, it is believed that these departments will not have men specially trained for this work. At least, they will be removed from the direct supervision of Mr. King.

That was the controversy, Mr. President. They wanted to get this matter of accounting out of the hands of Mr. King. I shall show later on that the old commission would not agree to that, and they finally accomplished it by the removal of Mr. King on the 22d day of December last.

I read further from page 17 of the hearings, Mr. Russell being on the stand:

Senator WHEELER. I understand that the secretary of the commission recommended, did he not, the abolition of the attorneys in the Power Commission?

Mr. RUSSELL. I did not just get that, Senator.

Senator WHEELER. I have heard it rumored that the secretary recommended that they do away with the solicitor up there and counsel.

Mr. RUSSELL. All I know about it is what Mr. Bonner said in the House hearings on appropriations.

Senator WHEELER. What was that?

Mr. RUSSELL. I would prefer that they speak for themselves. I have not any copies—yes; I have, too, a copy of it here.

Senator WHEELER. Did he also recommend that they do away with the accounting department?

Mr. RUESELL. Mr. Bonner left Washington and went back to San Francisco on the 16th day of July, as I remember it. He returned to Washington about a month later. So that up until the middle of August we had had no discussions about the policies of the commission at all because during the first two weeks I was busy getting settled there and so was he.

After he came back, and some time in the latter part of August or the first part of September, he began to talk to us about transferring the accounting over to the other departments—the War, Interior, and Agricultural Departments. That brought on a considerable controversy between him and Mr. King, Mr. King being of the opinion that such procedure could not be sanctioned; that these other departments did not have the men that were qualified for this work.

Mr. Bonner addressed a letter upon this subject to the Secretary of the Interior of date November 18, 1929. I read the two concluding paragraphs of that letter, as follows:

4. Through their field offices, the Departments of War, Agriculture, and Interior are in a position to bring much of the commission's accounting, now in arrears, up to date without additional personnel or expense to the Government. For example, the only cost account which has been referred to an executive department was handled with promptness, as indicated by the record attached hereto. It is true that this was not a large account, but it will illustrate the possibilities.

5. In view of the foregoing, I recommend you approve as a principle of administrative procedure that the prelicense cost statements of applicants for licenses and the construction cost statements of licensees be referred as far as practicable to the Department of War, Interior, or Agriculture for examination and recommendation prior to review by the accounting section of the office of the commission.

F. E. BONNER, *Executive Secretary.*

Senator BROOKHART. Is that one of the points that was a reversal of policy that you mentioned?

Mr. RUSSELL. Yes. That followed the statement that I was about to make, that this began after Mr. Bonner came back from San Francisco in the middle of August, and culminated—I have forgotten the date, now, Senator.

Senator DILL. Was that recommendation carried out?

Mr. RUSSELL. The first that Mr. King and I knew of it was when our stenographers handed it to us; and Mr. King immediately prepared a memorandum to Mr. Bonner objecting to the carrying out of that policy at all and pointing out clearly that it could not be done.

So that this recommendation of the executive secretary, Mr. Bonner, was made to the Secretary of the Interior without even conferring, without even consulting, with the chief accountant or the solicitor.

I read now from page 19, as follows:

After Mr. King had prepared that memorandum, which is here in your files—

That is a memorandum of Mr. King, setting forth the reasons why he believed that was an unwise policy—

Mr. RUSSELL. After Mr. King had prepared that memorandum, which is here in your files, I indorsed the memorandum with another one of my own, and we were going to leave the matter there, when, after mature reflection, we said, "That will be the end of it." So we made copies of the two memorandums and sent them to the individual members of the commission.

The result was that the commission immediately, or shortly afterwards, called a meeting on November 27, which was the last meeting that it had, by the way, and at that meeting we threshed out the question; and the order that was there made was in effect nullified, in my opinion, because Mr. King was directed to get the employees from the other departments if he could, and go on with the work.

Mr. Russell continues:

After he came back from San Francisco, Mr. King and I together at one time, and he and I at another time, and he insisted that this work could be done by the other departments, Mr. King and I insisting that it could not be done by the other departments. Then he wanted to take short cuts and not do these things the way King wanted them done, and he said it was my duty to tell Mr. King to lay off from that and to do it the way Bonner said it was to be done.

In one conversation he said to me—he wanted to do something in a certain way, and I said, "You can't violate the law. The statute requires this to be done that way, and we are required to do it." He said, "I think it is your duty as the solicitor, when I find unworkable provisions of this water power act that can not be complied with, to find me a way around it."

By way of illustration of this work, reference is made to a statement filed by the Niagara Falls Power Co.

I think it was on December 4, 1929, after many conversations with Mr. Bonner about it, in which we were told to let it alone and not to do anything about it, I addressed a memorandum to him, which you will find in these files, calling his attention to the fact that this valuation was 9 years old, and every day it got that much older, and that we should get a valuation engineer and a valuation accountant to get us started on the way toward preparing an inventory and getting the thing done.

His answer to my memorandum—and you will find it in the files—was that that was being handled by the proper persons. I never found out who they were, except that I have been informed and I have seen the engineers in his department reading law books. The matter has never been referred to me at all since that day. There it remains. What they have done with reference to it I do not know. It has not been referred to me.

Senator WHEELER. In other words, Bonner is having engineers pass upon legal questions and not referring them to the legal department. Is that it?

Mr. RUSSELL. That was done as late as yesterday or the day before.

Senator DILL. Have you men available to go ahead?

Mr. RUSSELL. I could if they would give me the men and the money.

Senator DILL. Are there sufficient appropriations to do that?

Mr. RUSSELL. There is sufficient appropriation now to cover the employment of such an engineer. It will take him several months to complete the inventory and to develop the unit prices to be applied to the inventory on the items of property. We have a sufficient appropriation to do it, but it has not been done. That money has been available ever since July 1 of last year.

Senator BROOKHART. The law requires that to be done?

Mr. RUSSELL. It does.

Senator BROOKHART. Mr. Bonner has never called that to the attention of the commission and had them pass on it directly?

Mr. RUSSELL Not so far as I know. I have never discussed it with the commission myself.

Senator WHEELER. What are some of the legal questions involved which they are asking the engineers to pass upon?

Mr. RUSSELL. The claimed value of the Niagara Falls Power Co., as I recollect—and I am speaking now in round figures; I may be off some amount—is about $77,000,000 as of March 2, 1921. The fact of the matter is that all we can find in the investment account, and I think Mr. King can confirm me on that, is a matter of about $32,000,000. The rest of these depends upon the interpretation of the legal rights to the inclusion of certain amounts in valuation.

Understand, Mr. President, the company is claiming an investment of $77,000,000, and all the accountant can find which he considers legitimate expenses is $32,000,000.

Now I want to go back to remind the Senate that when Russell had the conference with Leighton, Leighton told about how foolishly King was acting in reporting little items of $5.33 instead of $7, and something of that kind. Those were the things about which he complained the power companies were being pestered, were being annoyed, but he was quite silent upon this little item of the difference between $32,000,000 and $77,000,000 in the value of the Niagara Falls Power Co.

I read on:

Senator BROOKHART. It sounds just about like railroad men to me.

Mr. RUSSELL. They come pretty close to it, Senator.

Senator DILL. Are they going to take into consideration the value of a permit or franchise?

Mr. RUSSELL. They have got $30,000,000 in there as the value of the water that the Government gives them, and the Government takes it back at the expiration of the license, and this $30,000,000 is capitalization for the public to pay rates upon and for which they ask the Government to reimburse them at the expiration of the license.

The Supreme Court of the United States held in the Sault Ste. Marie case that the riparian owner has no right to compensation for any water right he may claim is incident to his land; that he has no right by reason of riparian ownership to claim any damages on account of deprivation of the right to use the water going down the stream for power purposes. But this company just blandly puts in $32,000,000 for water rights which they got from the Government of the United States by act of Congress, without paying a dollar for them.

Lobby fees are found to be included in these items of expense going into the net investment of these power companies, so Mr. Russell said, and he was asked to give an instance. I read:

Mr. RUSSELL. Certainly, Senator. I will give you an illustration right now. I haven't it here with me, but there is one item of one of the power companies of $140,000 that is labeled by the power company themselves as lobbying fees, in a letter to the commission, and I find $140,000 set up as an actual cost of construction of the project.

Senator BROOKHART. What company was that?

Mr. RUSSELL. That is the Byllessby Co., and it is charged to projects 350, 285, and 310.

Senator WHEELER. When do they charge that the lobbying was done?

Mr. RUSSELL. On the water power bill between 1917 and 1921.

Senator WHEELER. They have spent $140,000 lobbying in connection with that bill?

Mr. RUSSELL. They paid one man monthly items on the bill. I did not bring it with me. I have it over in my office.

Senator BROOKHART. Who was this lobbyist?

Mr. RUSSELL. His name was Flynn.

Senator WHEELER. Where is he from?

Mr. RUSSELL. I do not know. He is now a member of the firm of Cummins, Roamer & Flynn, who are the attorneys for the Byllessby people in Chicago.

Senator PINE. And they charged that amount to power properties in Minnesota?

Mr. RUSSELL. They charged it as actual cost of construction of those properties and it is entered in the account.

Senator PINE. And they are going to permit the people of Minnesota and Wisconsin to pay on that as long as they use electricity in Wisconsin and Minnesota?

Mr. RUSSELL. Yes.

Senator WHEELER. The Government would have to pay back the money that the company paid for lobbyists?

Mr. RUSSELL. Certainly.

Senator WHEELER. Have you any other cases of that kind?

Mr. RUSSELL. Mr. King can give you illustrations of a great many of them. I can tell you one, now, of $700,000 that I know of in Pennsylvania.

Senator WHEELER. For lobbying?

Mr. RUSSELL. Yes.

Senator WHEELER. Do you mean to say that they put in a bill for $700,000 for lobbying?

Mr. RUSSELL. We do not know what it is, Senator. There is some of it for lobbying or for something else, which we have been unable to find out.

Now I read from page 26:

Senator WHEELER. I would gather from what you say that you feel that Mr. Bonner is not in sympathy with your efforts.

Mr. RUSSELL. Not at all.

Now I read from page 28:

Senator WHEELER. Do I understand that Mr. Bonner has practically turned over the legal work of the department to the engineering department down there?

Mr. RUSSELL. I do not know, Senator; but up until about two weeks ago he had not referred a matter to me for months. He has referred to the chief counsel matters that I should pass upon. They were not referred to me.

Senator WHEELER. Do you know why that was?

Mr. RUSSELL. I do not. That occurred shortly after the Montana hearings.

Senator WHEELER. Why did he do it after the Montana hearings?

Mr. RUSSELL. Well, I can not tell you why. I know he did.

Senator WHEELER. Was there anything that took place in that hearing that would lead you to believe that that was the reason for it?

Mr. RUSSELL. He ordered me out of the hearing.

Senator WHEELER. Out of what hearing?

Mr. RUSSELL. The Montana power hearing.

Senator WHEELER. Why did he order you out of that hearing?

Mr. RUSSELL. He said it was because he did not like the questions I was asking.

Senator PINE. What questions were you asking?

Mr. RUSSELL. The Montana power hearing, Senator, was a matter in which I as solicitor would have nothing, ordinarily, to do with. That is my home, out there, and I am familiar with the local situation.

Up until three or four days before the hearing in the Montana power case—it is the Rocky Mountain case, properly——

Senator WHEELER. The hearing on the Flathead power site?

Mr. RUSSELL. Yes. Numbers of people had asked me about my appearance in that matter, and I had repeatedly told them that it was in the jurisdiction of the chief counsel and not mine, and I had nothing to do with it.

On Friday preceding the Monday that the hearing began Mr. Scattergood, of the Indian Bureau—assistant commissioner, I believe he is—brought to me some matters of accounting that he wanted brought out. He had worked out some sort of a plan that he wanted developed. We called Mr. King in and discussed it with him, and I then told him that that was not within my jurisdiction, and we called Mr. Brown, the chief counsel. Mr. Brown, Mr. King and myself and Mr. Scattergood—I don't remember whether Mr. Lawson was present or not—however, it resulted in Mr. Brown requesting that due to my familiarity with the local situation out there and familiarity with accounting matters that I should sit in at this hearing and conduct questions on those matters.

I then spoke to Mr. Bonner about it and he said it was all right with him, whatever Brown said.

So when the hearing began on Monday I sat with the other members of the staff in the hearing, and on Tuesday when one of the applicants, Mr. Wheeler, was on the witness stand, I asked him some questions about whether or not he intended to have his company operating its plant supervised by some management corporation like the Electric Bond & Share or the Byllessbys, and he said, no, he did not.

Then on Wednesday, the next day, a Mr. Burch, an engineer whom I have known away back in my Wisconsin days, was on the witness stand and was testifying about the rates of this applicant company, and during his testimony I asked him a question as to whether or not the fact that a corporation was managed and controlled by one of these management corporations would affect the rate to be charged, and he said that it would; that that would simply create additional expense that would have to be met in the rates.

Senator WHEELER. How would that be? I am not familiar with those holding companies.

Mr. RUSSELL. These holding companies simply add more on.

Senator WHEELER. How do they do it? Take any specific company and give us an illustration.

Mr. RUSSELL. Senator, that would take me quite a long while, and I would prefer that Mr. King do it, because he is more familiar with it than I am.

The CHAIRMAN. It is about the same as the 4 per cent rate charged by the A. T. & T. for supervising the various companies?

Mr. RUSSELL. Oh, no, Senator. They put in there charges that you can not recognize. They are not based on percentages at all. If they were, it would be a simpler matter.

Thereupon, on Thursday morning, Mr. Bonner called me on the telephone and said to me that he did not like the questions that I was asking and wanted me to stay out of that hearing. He asked me who I represented, and I told him that I was trying to present the record the best I could. He said, "I know what goes into that record, and I know what I am going to have in that record, and I want you to stay out of the hearing."

And so I stayed out. That is all the story there is to it.

Senator WHEELER. After that you went back into the hearing, did you?

Mr. RUSSELL. Secretary Wilbur, when it was called to his attention, requested that I go back into the hearing, and I remained in it until it closed.

To go back to the Niagara Falls matter, I read from page 30, as follows. This is an examination by Mr. Green, the counsel for the commission:

Mr. GREEN. With reference to this Niagara Falls project, there is one matter to which you called attention in your memorandum of January 7 that I think is important to get on the record, and that is with reference to the difficulty in making a valuation of that project because of the inability of the accountants to get records.

Mr. RUSSELL. Yes. When I went down there and discussed these matters with Mr. Merrill prior to the time I became solicitor, Mr. Merrill pointed out to me that there were six companies, I believe, that had refused access to their books and that we would have to proceed immediately to get possession of these books before we could do anything.

Immediately after I went down there I began to inquire what these cases were, and in looking over the records I found that the demand went away back 3 or 4 or 5 years ago, and I was somewhat fearful of attempting a mandamus action under those circumstances. The court might say, "You have not tried it lately; maybe they will give them to you now."

I brought the matter to Mr. Bonner's attention, that there ought to be new demands served in writing and to get a refusal in writing so I could proceed. But he said, no; there was certain other work that had to be done, and he would not let me do it; and the matter rests there now.

Mr. GREEN. Is it possible to make a valuation of the Niagara Falls project without getting access to the records of the constituent companies?

Mr. RUSSELL. It is not. You can not get a valuation on any of their projects unless you get access to the cost of construction.

Observe, Mr. President, that the predecessor of Mr. Bonner, Mr. Merrill, called the attention of Mr. Russell to the fact that these demands had been made for an opportunity to inspect the books of the constituent companies, and it had been refused, and he insisted that Mr. Russell should take the matter up and get an opportunity to examine the books; but Mr. Bonner said no, they had some other matters they wanted to take care of, the work now being nine years behind.

I now leave the testimony of Mr. Russell and pass to that of Mr. King, whose testimony was introduced by putting into the record a memorandum made by him, heretofore referred to, giving his views as to why the accounting work should be done by the commission itself and not be left to the other departments. This memorandum is so important, in my judgment, that, although it is quite lengthy and I shall not undertake to read it, I shall ask unanimous consent that it may be inserted in the RECORD without reading.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The memorandum referred to is as follows:

1. In order to understand the discussion or controversy that has arisen regarding the accounting and valuation work of the Federal Power Commission it is necessary to know about and consider some of the things that have taken place in the past.

2. Legislation which finally resulted in the passage and approval on June 10, 1920, of the Federal water power act was pending before Congress for 10 or 15 years, and several bills were introduced and considered from time to time. During all of this period the power interests were attempting to have a bill approved which would permit the private development of the power sites. On the other side was a group of individuals who advocated the development of the water powers of the country by the Government. The bill that finally passed was a sort of hybrid. It provided for the leasing or licensing to and the development by private interests of power sites controlled by the Government for a period of not to exceed 50 years and for recapture by the United States at the end of the license period or—what is more important—the transfer of the power project and of the license therefor to a State or municipality, or even to another power company, at a price to be determined by rules set forth in the act itself. This price is designated in the act as the "net investment." Stripped of all technicalities, "net investment" is the actual legitimate investment in the project as determined under certain rules and principles designated in the act less certain reserves to be created out of the hearings of the project, of which the most important are the amortization and the depreciation reserve. The deductions, however, are subject to the provision that the licensee shall first have a fair return on the investment. In other words, the actual legitimate investment in the project is to be determined; the licensee is to be allowed a fair return on that investment; and if there are any earnings left over in excess of a fair return then a part only of such excess is to be used in amortizing the original investment in the project for the benefit of the public or the future consumers of the power developed by the project. Accounting of a very high order is necessary to administer and enforce these "net investment" provisions.

3. The power interests did not get all that they wanted in the way of a law. They got a law which permitted the development of water-power sites by private interests, but there were certain restrictions in that law which they did not like. The law prevented the exploitation of the water powers controlled by the Government. Under the act as approved they could not capitalize the estimated value of the license or of the power site, or of the water rights, or of the lands, or of the rights of way, etc., pertinent thereto; nor could they include arbitrary promotion fees or charges in the capital account, or more than the actual money value of securities issued for acquisition of property, or arbitrary salaries for officials, or arbitrary fees of holding companies and their affiliated concerns, or many other of the items which they were in the habit of charging to property investment account. Under the provisions of the act they could lawfully charge nothing to the property investment account of a licensed project except actual legitimate cost of property and services.

4. Having failed in obtaining the kind of a law they desired, the next move of the power interests after the passage of the Federal water power act was an attempt to have approved by the Federal Power Commission rules and regulations which would permit the power companies to do certain things which were prohibited by the act itself. The power interests were, of course, in favor of those features of the act which permitted the issuance of licenses giving them possession of the power sites. Their attempt, therefore, was to have approved by the commission rules and regulations which would, practically speaking, make inoperative those provisions of the act relating to net investment. They objected very strenuously to the adoption by the commission of any regulation providing for the establishment of a depreciation reserve, and they also denied the authority or the duty of the commission to establish rules and regulations governing accounting. The controversy over depreciation and accounting regulations extended over a period of almost two years before such rules and regulations were promulgated, and these matters are still in controversy. While the rules and regulations of the commission were being considered it was repeatedly asserted by representatives of the power interests that they had a part in the preparation and passage of the Federal water power act, that they knew what was meant by certain passages and provisions of of the act, and that Congress never intended that the act should be construed and administered as proposed by the commission's staff.

5. The power interests were unsuccessful in having adopted by the commission rules and regulations to their liking. Having failed, therefore, in obtaining the kind of a law they desired and having failed also in having adopted by the commission rules and regulations which would practically ignore or make ineffective those provisions of the Federal water power act relating to net investment, their next move was to make or attempt to make ineffective and inoperative those rules and regulations relating to net investment by failure and refusal to comply therewith.

6. The act provides that all licenses issued thereunder shall be conditioned upon acceptance by the licensee of all the terms and conditions of the act, and in the case of each license issued the licensee has executed a formal acceptance of such terms and conditions and of the rules and regulations established thereunder. However, an examination of the official records of the Federal Power Commission since its organization, and particularly since the adoption of its rules and regulations in 1921 and 1922, will show that by various and sundry means certain licensees have in every way imaginable attempted to prevent the application of the commission's rules and regulations, and in such attempt they have been largely successful up to this time. The records will show failure to answer correspondence, failure to comply with requests for information, failure to file statements and reports when requested, failure to give, in statements and reports filed, the information and data requested, failure to comply with the commission's regulation on depreciation, failure to comply with the commission's rules and regulations on accounting, failure to keep and maintain the necessary records for verifying their accounts, failure to produce records which were in existence and which were necessary in determining the propriety of charges to their property account, etc.

7. In addition to failures to supply the information and data, as outlined in foregoing paragraph 6, certain power interests have used obstructive tactics of various kinds. It has been their policy to delay and postpone, and particularly it has been attempted to prevent any issue relating to net investment being presented to and passed upon officially by the commission. Although the commission has been organized for more than nine years, there has not as yet been a single decision or opinion of the commission relating to a question involving the interpretation or application of those provisions of the act relating to net investment or of its accounting rules and regulations. Numerous reports relating to questionable charges to property investment accounts by the power companies have been made from time to time by the accounting division, but so far nothing has been done about it—that is to say, no definite decision has been announced by the commission, nor has the commission formally considered any of such questions. In fact, none has been formally presented to it for consideration. The power companies always find some reason or excuse for delaying or deferring the presentation of such questions to the commission for action. It would seem that the last thing the power interests desire is a hearing at which all facts regarding their methods and practices in connection with accounting, financing, etc., could be disclosed and discussed and made public.

8. When the commission was first organized it was confronted with a large number of applications for preliminary permits and licenses. It seemed imperative that these applications be handled and disposed of as expeditiously as possible. The work of considering and passing upon such applications was largely of an engineering nature, and in organizing its forces the commission arranged very properly for the services of a number of engineers. The executive secretary was an engineer. There were detailed by the War Department a chief engineer and an assistant chief engineer and several other engineers. Some 8 or 10 in all were detailed by the Departments of War, Interior, and Agriculture. The field work necessary in investigating and passing upon the applications first filed with the commission and those since filed were referred to the engineering sections of the field offices of the three departments named, which seemed to be and perhaps are and have been very well equipped to handle and investigate the applications. This part of the commission's work has always been handled with reasonable dispatch and in a reasonably satisfactory manner.

10. When the commission was organized, in 1920, it was thought that the accounting work and particularly the auditing of the project accounts was not of immediate importance, and it was assumed that the necessity for accounting rules and regulations would arise chiefly upon the beginning of construction and the completion of licensed project. It was not until October, 1920, that the services of a chief accountant were obtained, and shortly thereafter an assistant accountant was employed. The first work taken up by such employees was the preparation of accounting

rules and regulations as required by the act. As hereinbefore stated, a controversy immediately arose with the power interests, represented by the National Electric Light Association, and it was not until November, 1922, that accounting rules and regulations were finally established.

11. Up until 1925 the accounting staff, except for stenographic and some clerical help, consisted of the chief accountant and one assistant. In 1925 an additional accountant was employed, and there have been slight increases in the force in 1928, 1929, and 1930. However, from the date the commission was organized, in 1920, up to December 31, 1929, there had been an average of less than three accountants on the accounting staff. This may be compared with about 8 or 10 engineers constantly in the service at the Washington headquarters alone since the time the commission was organized. For a number of years, and until 1929, the staff of the commission at its headquarters in Washington consisted of some 30 to 33 employees, and about half of these were engineers, clerks, and stenographers doing engineering work. The remainder of the commission's staff consisted of the chief clerk, mail clerk, filing clerk, two attorneys, a librarian, a few stenographers, and miscellaneous clerks and messengers, besides two or three persons in the accounting division. Primarily, the staff of the commission up to this time has consisted of an engineering organization, and the real work of the commission has been directed to the investigation of applications and the issuance of permits and licenses, and the accounting and valuation work has been permitted to lag and to become in arrears, due to lack of sufficient personnel and of an organization properly to do the work and to administer the provisions of the act and of licenses after issuance. Attention has been called to this situation in practically all annual reports prior to the ninth.

12. The foregoing statement will indicate some of the reasons why the accounting and valuation work of the commission is now in such a deplorable condition. In the first place there has not been available a sufficient number of persons to do this work, and in the second place there has been opposition of the power interests to having it done currently or at any other time. The accounting and valuation work of the commission never will be brought up to date and placed upon a satisfactory basis until some one in authority, and in sympathy with the provisions of the act relating to net investment, and with the courage and ability to enforce the accounting rules and regulations prescribed by the act and promulgated by the commission, takes charge of the situation, arranges for hearings and an open discussion of the numerous questions raised, and until the commission passes upon those questions and issues its decisions and orders, or tells the power companies that the methods and practices which they have been heretofore pursuing are proper and legitimate.

Mr. WALSH of Montana. I continue reading from the hearings, as follows:

Senator PINE. For whom was that statement made, and to whom was it sent?

Mr. KING. It was not made for anyone, nor has it been sent to anyone as yet. I prepared it in connection with another matter or another memorandum which has not yet been completed.

The CHAIRMAN. Why did you make that memorandum and not present it to anybody?

Mr. KING. For some time there has been discussion as to the propriety of delegating the accounting work of the Federal Power Commission to the several departments—War, Interior, and Agriculture. There have been some statements made by the executive secretary and the chief engineer of the commission that those departments were fully equipped to do the accounting work of the commission. The executive secretary and the chief engineer are both recent employees, or comparatively recent employees, of the Federal Power Commission; they have not been with the commission since its organization, as I have; they are not familiar with the conditions which have confronted the commission since the time of its organization; they do not know what the attitude of the power companies is. I prepared that memorandum in answer to a statement, I think, that was filed by the chief engineer of the commission at a hearing before the Committee on Appropriations of the House of Representatives on the independent offices bill, and it was done in order to inform him of some of the conditions that have existed and that now exist and that I thought he was not familiar with.

The CHAIRMAN. What has stood in your way all these years from presenting these matters to the commission itself?

Mr. KING. The former executive secretary of the commission, Mr. Merrill, had never thought that the commission had either the organization or the personnel to properly present these matters to the commission and to carry them to the courts. If you will read the annual reports of the Federal Power Commission since its organization, and particularly since about 1923 or 1924, you will find running through all those reports statements to the effect that the commission has not the organization necessary to administer the provisions in the Federal water power act; that it was not taking care of the public interests and that the public interests were being neglected; that it was not able to check and verify the accounts of the power companies; that it was not able to administer the net investment features of the Federal water power act; that it did not have accountants, valuation engineers, and other employees necessary to make the field investigations; that it did not have the necessary attorneys to prepare the cases for presentation to the committee, and, if need be, to carry them to the courts. And it is stated in these annual reports of the commission that many of these cases would necessarily have to be carried to the courts in order to finally dispose of them, and Mr. Merrill always thought and said that the commission was not qualified to do that. Therefore he never presented any of these cases to the commission for its consideration, because he thought it was not proper to do so by reason of the fact that he could not dispose of them in the way that he thought they should be disposed of.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH of Montana. I yield.

Mr. LA FOLLETTE. I think the matter which the Senator is discussing is of such vital importance that if he will yield for that purpose I desire to suggest the absence of a quorum.

Mr. WALSH of Montana. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Sheppard
Barkley	Fletcher	Keyes	Shortridge
Bingham	Frazier	King	Simmons
Black	George	La Follette	Smith
Blaine	Gillett	McGill	Smoot
Blease	Glass	McKellar	Steiwer
Borah	Glenn	McMaster	Stephens
Bratton	Goff	McNary	Swanson
Brock	Goldsborough	Metcalf	Thomas, Idaho
Brookhart	Gould	Morrison	Thomas, Okla.
Broussard	Hale	Morrow	Trammell
Bulkley	Harris	Moses	Tydings
Capper	Harrison	Norbeck	Vandenberg
Caraway	Hastings	Norris	Wagner
Carey	Hatfield	Nye	Walcott
Connally	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Partridge	Walsh, Mont.
Couzens	Hebert	Patterson	Waterman
Cuttings	Heflin	Phipps	Watson
Dale	Howell	Pine	Wheeler
Davis	Johnson	Pittman	Williamson
Deneen	Jones	Reed	
Dill	Kean	Schall	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present.

Mr. TYDINGS. Mr. President, as in legislative session, I ask unanimous consent for the immediate consideration of a resolution which I introduced yesterday, directing the Judiciary Committee to obtain certain information with reference to the Wickersham report.

The PRESIDING OFFICER. The clerk will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 410), as follows:

Whereas the confusion and the contradictions embodied in the report of the Wickersham commission on prohibition are puzzling to Members of the Congress who may be called on to enact legislation carrying out some of its recommendations: Therefore be it

Resolved, That the Judiciary Committee of the Senate be instructed to invite Chairman Wickersham to appear before it and to make a further statement, explaining the method by which the apparently contradictory conclusions and recommendations were arrived at, and also whether suggestions were received and acted on by the commission in framing its final report from authorities who were not members of the commission.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. WATSON. Mr. President, under the circumstances, I think I shall feel obliged to object at this time.

The PRESIDING OFFICER. Objection is made. The Senator from Montana will proceed.

Mr. WALSH of Montana. Mr. President, I am advised by the chairman of the Committee on Appropriations [Mr. JONES] that he is very desirous of bringing up for consideration one of the general appropriation bills. I do not like to be in the attitude of obstructing the consideration of measures of that character. If the chairman of the Committee on Appropriations is desirous of proceeding, as suggested, I shall be very glad to yield for a motion to proceed to the consideration of legislative business, if I may retain the right to continue at a subsequent executive session of the Senate.

The PRESIDING OFFICER. It would be the position of the present occupant of the chair that the Senator from Montana would be entitled to the floor.

EXTRADITION TREATY WITH GERMANY

Mr. BORAH. Mr. President, before the Senate resumes legislative session I should like to ask for the consideration of a treaty which is on the Executive Calendar. It will take but a very few moments to dispose of it, I am sure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

Mr. BORAH. Mr. President, I need only say that this is an extradition treaty covering crimes of the character which are ordinarily covered by such treaties, but exempting and excepting from its operation political crimes. The treaty has been unanimously reported by the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the treaty, Executive B (71st Cong., 3d sess.) a treaty between the United States of America and Germany for the extradition of fugitives from justice, signed at Berlin on July 12, 1930, which was read as follows:

The United States of America and Germany desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the two countries, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America:

The Ambassador of the United States of America in Berlin.

Mr. Frederic Moseley Sackett,

The German Reichspräsident:

the Secretary of State of the Foreign Office

Dr. Bernhard W. von Bülow and

the Privy Counsellor in the Ministry of Justice

Dr. Wolfgang Mettgenberg.

Who after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Germany shall, under conditions of reciprocity, upon requistion duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes or offenses specified in Article III of the present Treaty committed within the territorial jurisdiction of one of the High Contracting Parties, and who shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his commitment for trial if the crime or offense had been there committed.

The words " territorial jurisdiction " as used in this article mean territory, including territorial waters, belonging to or under the control of one of the High Contracting Parties, merchant vessels on and aircraft over the high seas and men of war wherever situated.

ARTICLE II

Under the stipulations of this Treaty neither of the High Contracting Parties shall be bound to deliver up its own citizens.

ARTICLE III

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes or offenses, but only if they are punishable as crimes or offenses by the laws of both countries applicable to the case:

1. Murder, including the crimes designated by the terms assassination, manslaughter, and infanticide.
2. Willful assault resulting in grievous bodily harm.
3. Rape, immoral assault, incest, abortion, carnal knowledge of children under the age of twelve years.
4. Bigamy.
5. Arson.
6. Willful and unlawful destruction or obstruction of railroads, which endangers traffic.
7. Piracy.
8. Wrongfully sinking or destroying a vessel.
9. Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel.
10. Assault on board ship upon the high seas committed by a member of the crew upon an officer.
11. Breaking to and entering the house or the office of another with intent to commit a theft therein.
12. Robbery, defined to be the act of taking from the person of another goods or money by violence or by putting him in fear.
13. Blackmail or extortion by unlawful means.
14. Forgery or the utterance of forged papers.
15. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of such acts.
16. Any fraudulent making or altering or uttering of currency including banknotes; of titles or coupons of public debt, seals, stamps, dies or marks of State or public administrations, whatever means are employed; or the introduction into a country or the receiving or obtaining of counterfeit objects of the foregoing character with a view to uttering them and with knowledge that they are counterfeit; or the fraudulent making, receiving or obtaining of instruments or other articles peculiarly adapted for the counterfeiting or altering of objects of the foregoing character.
17. Embezzlement committed by public officers or depositaries, where the amount embezzled exceeds twenty-five dollars or one hundred reichsmarks.
18. Embezzlement by any person or persons hired, salaried, or employed, to the detriment of their employers or principals, where the amount embezzled exceeds twenty-five dollars or one hundred reichsmarks.
19. Kidnapping, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end; abandonment of infants.
20. Larceny, defined to be the theft of effects, personal property or money of the value of twenty-five dollars or one hundred reichsmarks or more.
21. Obtaining money, valuable securities or other property by false pretences, where the amount of money or the value of the property so obtained or received exceeds twenty-five dollars or one hundred reichsmarks.
22. Perjury or subornation of perjury.
23. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator guardian, director or officer of any company or corporation, or by any one in a fiduciary position, where the amount of money or the value of the property misappropriated exceeds twenty-five dollars or one hundred reichsmarks.
24. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.
25. Use of explosives so as to endanger human life or property.
26. Bribery.
27. Crimes or offenses against the bankruptcy laws.
28. Crimes or offenses against the laws for the suppression of the traffic in narcotics.

Extradition shall also take place for an attempt to commit, or for the participation in any of the crimes or offenses

before mentioned as an accessory before or after the fact, including receiving any money, valuable securities, or other property knowing the same to have been unlawfully obtained but only where the amount of money or the value of the property so received exceeds twenty-five dollars or one hundred reichsmarks.

ARTICLE IV

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses. However, a willful crime against human life except in battle or an open combat, shall in no case be deemed a crime of a political character, or an act connected with crimes or offenses of such a character.

ARTICLE V

In the country to which he has been surrendered, a person extradited under this Treaty shall not, without the consent of the government which surrendered him, be tried or punished or given up to a third government for a crime or offense committed previously to his extradition other than that which gave rise to the extradition, nor be restricted in his personal liberty for any reason existing previously to his extradition, unless he shall have been allowed one month to leave the country after having been discharged; and if he shall have been tried and condemned to punishment he shall be allowed one month after having suffered his penalty or having been pardoned. This exemption shall not be granted if the person surrendered, after leaving the country to which his extradition has been granted, there returns or is extradited to that country by a third government.

ARTICLE VI

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the country where the fugitive shall be found, the criminal is exempt from prosecution or punishment for the crime or offense for which the surrender is asked, or when his extradition is asked for the same crime or offense for which he has been tried, convicted or aquitted in that country, or so long as he is under prosecution for that crime or offense.

ARTICLE VII

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail, or in custody, otherwise than for the crime or offense for which his extradition has been sought, his extradition may be deferred until such proceedings be terminated, and until he shall have been set at liberty in due course of law.

ARTICLE VIII

If the extradition of a fugitive which is requested by one of the parties hereto, shall also be requested by one or more other governments, the surrendering government shall be free to choose to which request it will give preference.

ARTICLE IX

Everything found in the possession of the fugitive criminal, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime or offense, shall so far as practicable, according to the laws of the respective High Contracting Parties be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected, and, upon the request of the Government which has delivered up such articles, they shall be returned to that Government, provided that a reservation to that effect shall have been made at the time of delivery.

ARTICLE X

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory referred to in Article I, other than the United States or Germany, requisitions may be made by superior consular officers.

The arrest of the fugitive shall be brought about in accordance with the laws of the party to which the request is made, and if, after an examination, it shall be decided, according to the law and the evidence, that extradition is due, pursuant to this Treaty, the fugitive shall be surrendered according to the forms of law prescribed in such cases.

If the fugitive criminal shall have been convicted of the crime or offense for which his surrender is asked, a copy of the sentence following such conviction, duly authenticated, shall be produced. If, however, the fugitive is merely charged with a crime or offense, a duly authenticated copy of the warrant of arrest in the country where the crime or offense was committed shall be produced, together with the depositions upon which such warrant may have been issued, or such other evidence or proof as may be deemed competent in the case, or both.

The person provisionally arrested shall be released, unless within one month from the date of arrest in Germany, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinbefore prescribed be made as aforesaid by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof. However, each government agrees that, upon the request of the other government, it will address to the competent authorities an application for the extension of the time thus limited so as to allow an additional month for the purposes indicated and nothing herein contained shall be construed to prevent the granting of such an application.

ARTICLE XI

The expense of transportation of the fugitive shall be borne by the government which has preferred the demand for extradition. The appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim other than for the board and lodging of a fugitive prior to his surrender, arising out of the arrest, detention, examination and surrender of fugitives under this treaty shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII

The present treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect one month after the exchange of ratifications which shall take place at Washington as soon as possible.

ARTICLE XIII

The present treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above named Plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate in the English and German languages at Berlin this 12th day of July 1930.

FREDERIC MOSELEY SACKETT [SEAL]
BERNHARD W. VON BÜLOW [SEAL]
WOLFGANG METTGENBERG [SEAL]

The treaty was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification, which will be read.

The resolution of ratification was read and agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive B, Seventy-first Congress, third session, an extradition treaty with Germany, signed at Berlin, July 12, 1930.

CONSIDERATION OF EXECUTIVE CALENDAR

Mr. PHIPPS. Mr. President, I request that the Senate proceed to confirm all nominations on the calendar rather than to limit the request to post-office nominations, because I know there are some other nominations to which no objection will be made, so far as I have heard. It will take but a few moments, I think, to complete the calendar.

The PRESIDING OFFICER. Is there objection to the request made by the Senator to complete the calendar in executive session at this time? The Chair hears none, and the clerk will state the next nomination on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Lucien Memminger to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Willys R. Peck to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Shiras Morris, jr., to be vice consul of career.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of C. Burke Elbrick to be vice consul of career.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Burton Y. Berry to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of C. Burke Elbrick to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Warren H. Kelchner to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Shiras Morris, jr., to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Maurice L. Stafford to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of George P. Waller to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Shiras Morris, jr., to be Foreign Service officer, unclassified.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of C. Burke Elbrick to be Foreign Service officer, unclassified.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IMMIGRATION SERVICE

The Chief Clerk read the nomination of Luther Weedin to be commissioner of immigration, port of Seattle, Wash.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST GUARD

The Chief Clerk read the nomination of John S. Merriman, jr., to be lieutenant (temporary).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE JUDICIARY

The Chief Clerk read the nomination of J. Whitaker Thompson, of Pennsylvania, to be United States circuit judge, third circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William H. Sawtelle, of Arizona, to be United States circuit judge, ninth circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of David H. Kincheloe, of Kentucky, to be judge United States Customs Court.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frank Martinez, of New York, to be United States attorney, district of Porto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Herbert E. L. Toombs, of Texas, to be United States marshal, southern district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

INTERIOR DEPARTMENT

The Chief Clerk read the nomination of Albert G. Stubblefield, of Colorado, to be register of the land office at Pueblo, Colo.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William Ashley, of Idaho, to be register of the land office at Coeur d'Alene, Idaho.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

Mr. PHIPPS. Mr. President, the first nomination on the list of postmasters, Calendar No. 502, being the nomination of Charles R. Wareham to be postmaster at Kearney, Nebr., I ask to have recommitted to the committee for further consideration, without prejudice.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PHIPPS. Mr. President, I ask that all the remaining post-office nominations on the calendar may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc. Is there objection to the President being immediately notified?

Mr. BRATTON. Yes, Mr. President; I object.

The PRESIDING OFFICER. Objection is heard.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Regular Army.

Mr. REED. I ask unanimous consent that the Army nominations may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. HALE. I ask that the nominations in the Navy may be confirmed en bloc, and that the President may be notified.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BRATTON. Mr. President, did I understand the request of the Senator from Maine to be that the nominations be confirmed and the President notified?

The PRESIDING OFFICER. The nominations have merely been confirmed, without notification. That completes the Executive Calendar.

ORDER OF BUSINESS

Mr. WALSH of Montana. Now, I yield to the Senator from Washington.

Mr. JONES. I ask unanimous consent that the Senate proceed to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, the Senate will proceed with the consideration of legislative business.

The Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 196. An act to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes; and

S. 4149. An act to add certain lands to the Ashley National Forest in the State of Wyoming.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 10576. An act to authorize exchange of lands with owners of private land holdings within the Chaco Canyon National Monument, N. Mex., and for other purposes;

H. R. 11968. An act to reserve for public use scenic rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, Calif.;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes;

H. R. 13249. An act to authorize the acceptance of a tract of land adjoining Hot Springs National Park, Ark., and for other purposes;

H. R. 13587. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.";

H. R. 14248. An act to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 15590. An act providing for the sale of Chippewa Indian land to the State of Minnesota;

H. R. 15867. An act to provide for the retention by the United States of a site within the Hot Springs National Park formerly occupied by the Arlington Hotel and Bathhouse, for park and landscape purposes;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes;

H. R. 15877. An act to authorize exchanges of land with owners of private-land holdings within the Craters of the Moon National Monument; and

H. R. 16116. An act to adjust the boundaries and for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near the town of McGregor, Iowa; and

S. J. Res. 177. Joint resolution to provide for the erection of a memorial to William Howard Taft at Manila, P. I.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Public Lands and Surveys:

H. R. 10576. An act to authorize exchange of lands with owners of private-land holdings within the Chaco Canyon National Monument, N. Mex., and for other purposes;

H. R. 11968. An act to reserve for public use scenic rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, Calif.;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes;

H. R. 13249. An act to authorize the acceptance of a tract of land adjoining Hot Springs National Park, Ark., and for other purposes;

H. R. 13587. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.";

H. R. 14248. An act to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 15590. An act providing for the sale of Chippewa Indian land to the State of Minnesota;

H. R. 15867. An act to provide for the retention by the United States of a site within the Hot Springs National Park formerly occupied by the Arlington Hotel and Bathhouse for park and landscape purposes;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes;

H. R. 15877. An act to authorize exchanges of land with owners of private-land holdings within the Craters of the Moon National Monument; and

H. R. 16116. An act to adjust the boundaries and for the addition of certain lands to the Bryce Canyon National Park, Utah., and for other purposes.

PETITIONS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Georgia, which was referred to the Committee on Finance:

Whereas there is now a bill pending before Congress providing for the immediate payment of the adjusted compensation certificates; and

Whereas the payment of these certificates would put a great amount of money into circulation and would relieve to a great extent the present financial depression and would materially aid the ex-service men holding these certificates: Therefore be it

Resolved by the House of Representatives of the State of Georgia (the Senate concurring), That the Congress of the United States be memorialized to enact legislation paying such certificates in full.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the American-Chinese Protective De Jure Association, at Brooklyn, N. Y., favoring the repeal or modification of the Chinese exclusion act, or any other acts that may be discriminatory against the Chinese people, which was referred to the Committee on Immigration.

REPORTS OF A COMMITTEE

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5440) to authorize an emergency appropriation for special study of, and demonstration work in, rural sanitation, reported it with amendments.

ENROLLED JOINT RESOLUTION PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, January 22, 1931, that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 177) to provide for the erection of a memorial to William Howard Taft at Manila, P. I.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOULD:

A bill (S. 5816) granting an increase of pension to Mary T. Huse (with an accompanying paper); to the Committee on Pensions.

By Mr. VANDENBERG:

A bill (S. 5817) to authorize the Secretary of War to lend War Department equipment for use at the Thirteenth National Convention of the American Legion at Detroit, Mich., during the month of September, 1931; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes; to the Committee on Commerce.

By Mr. LA FOLLETTE:

A bill (S. 5819) granting a pension to Emma Hartson; to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 5820) granting construction loans to railroads, and for other purposes; to the Committee on Interstate Commerce.

By Mr. DILL:

A bill (S. 5821) granting a pension to Lorenzo D. Sheets (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5822) granting a pension to Sarah Pangburn (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5823) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 5824) granting a pension to Ira J. Patterson; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5825) granting the consent of Congress to the State of California to construct, maintain, and operate a toll bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland over the Key Route Mole; to the Committee on Commerce.

By Mr. HAWES:

A bill (S. 5826) granting an increase of pension to Caroline V. McCullough (with accompanying papers); to the Committee on Pensions.

By Mr. GLENN:

A bill (S. 5827) granting a pension to Charles Diesron (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A joint resolution (S. J. Res. 238) to regulate commerce between the United States and foreign countries in petroleum, crude, fuel, or refined, and all distillates obtained from petroleum, including kerosene, benzine, naphtha, gasoline, paraffin, and paraffin oil; to the Committee on Commerce.

By Mr. BLACK:

A joint resolution (S. J. Res. 239) making applicable for the year 1931 the provisions of the act of Congress approved March 3, 1930, for relief to farmers in the flood and/or drought stricken areas; to the Committee on Agriculture and Forestry.

MINING EXPERIMENT STATION AT SALT LAKE CITY, UTAH

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., which was ordered to lie on the table and to be printed.

DEPORTATION OF CERTAIN ALIENS

Mr. JONES. I ask unanimous consent that the Senate proceed to the consideration of House bill 15592, being the urgent deficiency appropriation bill.

Mr. KING. Mr. President, Senate bill 202 providing for the deportation of certain alien seamen, and for other purposes, was passed by the Senate early last year. Subsequent to its passage the Senator from Connecticut [Mr. BINGHAM] moved to reconsider the votes by which the bill was read the third time and passed and that it be recalled from the House. The motion for reconsideration has been pending since that time.

Upon several occasions I have sought to have the motion disposed of, but without success. In my opinion there is no reason why this measure should not pass, and I feel compelled to urge that the motion be acted upon. I should be very glad to take the matter up now. I recall that early in the session I stated that when the maternity bill was disposed of I would ask to take up for consideration the motion to which I have referred. I was importuned by some Senators not to press the request because of the pendency of an appropriation bill. Then came the Interior Department appropriation bill, which has consumed a great deal of time, and which did not pass the Senate until last night. In the meantime other matters have come before the Senate which have prevented the consideration of the motion to reconsider.

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Washington yield for the purpose suggested by the Senator from Utah?

Mr. JONES. Mr. President, I feel that the urgent deficiency appropriation bill should be passed just as soon as possible. It means the employment of about 30,000 unemployed laborers, and I am sure the Senator from Utah does not desire to delay that accomplishment. If I had assurance that the consideration of the motion referred to by him would take but a short time I should be glad to have it considered now, but I understand that it will take considerable discussion.

Mr. WATSON. Let me appeal to the Senator from Utah to permit the Senator from Washington to go on with the appropriation bill.

Mr. KING. Of course, I am anxious to have all appropriation bills disposed of, and shall aid in every possible way to accomplish that result; but I can not have the session end without the motion to reconsider being acted upon. It is an important bill and should receive the approval of this body. I respectfully insist that there shall be some understanding reached now, or in the immediate future, which will give assurance that the motion shall be acted upon within the next few days. I spoke to the assistant leader on the other side, the Senator from Oregon [Mr. MCNARY] during the noon hour and stated that I would be willing to not press for the consideration of the motion until after the appropriation bill which the Senator from Washington now asks shall be taken up had been disposed of and also the agricultural bill, which I understand is here before us, provided that when these measures were out of the way the Senate would proceed to the consideration of the motion to reconsider. If I could have unanimous consent to have that done, I would not now press the motion.

Mr. REED. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. REED. I think the Army appropriation bill will be reported by the committee to-morrow, and I do not want to see any agreement entered into that will interfere with the prompt consideration of that measure.

Mr. KING. Mr. President, the Senator from Pennsylvania knows that the motion to reconsider has been pending for

a long time, and it is unfair that it should be held indefinitely upon the calendar. My understanding is that there will be limited debate. My friend the Senator from Connecticut [Mr. BINGHAM] desires to be heard, as he has a right to be heard, but aside from his address I know of no other speeches that are to be made.

Mr. WATSON. Will the Senator permit me to inquire the nature of the bill concerning which the motion to reconsider is pending?

Mr. KING. Yes; it is a bill for the deportation of certain alien seamen and for other purposes. It is an important bill. It has twice passed the Senate unanimously, and during the present Congress was reported unanimously by the Committee on Immigration, of which the Senator from Pennsylvania is a member.

Mr. REED. I am not opposing the Senator's bill. I think there is very much in it that is necessary and desirable.

Mr. KING. And the Senator knows that the motion to reconsider has been pending here for a long time.

Mr. REED. I know that.

Mr. KING. And it ought to be disposed of. If I can have an agreement that when the two appropriation bills to which I have referred are out of the way the motion shall be made a special order and considered, I shall not press my request at this time.

Mr. REED. Will the Senator agree—not making it part of the unanimous consent but just a personal agreement—if the motion to which he refers is made a special order, after action on the two appropriation bills, and if debate on the motion drags out for any time, that he will yield so that the Army appropriation bill may be considered?

Mr. KING. Let me say to the Senator that I can not conceive of the motion to reconsider consuming much time. As I have said, the Senator from Connecticut desires to address the Senate, I understand, at some length; but, aside from the Senator from Connecticut, I do not know of any other Senator who wishes to speak. I believe that the motion can be disposed of in perhaps an hour or two.

Mr. REED. Does the Senator from Connecticut agree to the suggestion that it can be disposed of in a few hours?

Mr. BINGHAM. No, Mr. President. I may say to the Senator from Utah that he was away, either abroad or ill, at the time the bill came up on the calendar. As he himself will admit, whenever he has felt that a bill reported by a committee and on the calendar was contrary to the public interest he has objected to its consideration; and, with all due respect to the Senator, he has probably objected to more bills which he believed to be against the public interest than any other Senator.

It happens that I have been objecting to the consideration of this bill for a very long time, because I believed, due perhaps to some personal knowledge of conditions on the Pacific and the conditions under which our merchant marine may operate successfully on the Pacific, that the passage of this bill would very nearly put the American flag off the Pacific. Consequently, whenever the bill came up I objected to its consideration. It was understood that another Senator was to object when I was away from the floor, but he failed to do so. Consequently, it passed, as the Senator has stated, by unanimous consent, but through a misunderstanding. I almost immediately thereafter asked that the bill be restored to the calendar.

In view of the objection which I had continually registered against it, I think if the Senator himself had been here he would have agreed to have that done, because a similar favor has repeatedly been extended to him. When a bill to which he was very much opposed had passed during his casual absence from the Chamber and had not been objected to as he supposed it would be, immediately upon his return to the Chamber on asking to have the bill to which he objected restored to the calendar, no one objected. I think the Senator's sense of fairness is so great that had the request in this instance been made when he was present, he would have consented to the procedure suggested, but in his absence one of his friends, for reasons best known to himself, undertook to say that, since I was not here and had not objected and since the Senator from Utah was sick, he would not permit it to be returned to the calendar. Thereupon the Senator from Maine [Mr. GOULD] entered the motion to reconsider.

This is a very important measure, Mr. President. It ought not to pass without protest, and it was, perhaps, due to the fact that I was temporarily absent from the Chamber, through a misunderstanding, that it was passed at all. It will take several hours to debate it and explain to the Senate the very serious harm which the enactment of the bill will inflict on our merchant marine on the Pacific. While I am perfectly willing to debate it at any time, it will take several hours to do so.

Mr. KING. Mr. President, I was not here as the Senator——

The PRESIDING OFFICER. Does the Senator from Washington yield further?

Mr. JONES. I yield for just a moment.

Mr. KING. Owing to illness I was not here when this bill was under consideration the last time. Measures textually the same upon two former occasions, as I recall, had passed the Senate after some discussion, but with but little opposition. The committee reported each measure unanimously after hearings and mature consideration. The Senator from Pennsylvania, who, perhaps, has evinced as much, if not more, interest in immigration questions than any other Senator, was a member of the committee. He was familiar with the testimony and joined his colleagues in reporting the bill.

The Senator from California [Mr. JOHNSON], the chairman of the committee, also joined in reporting the bill. In 1926 it was called up, considered by the Senate, and passed. It did not pass the House, although, as I understand, there was no objection manifested to the measure. Again a similar bill was unanimously reported and again taken up by the Senate and passed.

If I had been here, as the Senator says, when the bill was passed I would have consented, if the motion to consider had been promptly made to restore the bill to the calendar, in order that the Senator from Connecticut and other Senators might have the fullest opportunity to consider it. The bill was taken up in regular order and no objection was made to its passage. However, I would be opposed to any course that would deny Senators the right to discuss bills before their passage. If a measure is passed hurriedly or in the absence of a Senator who desired to discuss the bill, I would be willing to have it restored to the calendar in order to give him opportunity to present his views; and I am willing now for the Senator to take all the time he desires to debate this bill. I do not wish to restrict him in the slightest degree, but in view of the fact the motion to reconsider has been pending for nearly a year, and in view of the fact that I have been importuned, not improperly, by those who favor the bill to press the motion, I feel constrained to ask that the Senate now fix some time when we may take this motion up and give the Senator from Connecticut all the time he desires to discuss the bill. Accordingly I asked a moment ago for unanimous consent that when the two appropriation bills to which I have referred, the pending deficiency bill and the agricultural appropriation bill, shall have been disposed of the Senate proceed to the consideration of the motion to reconsider the vote by which Senate bill 202 was passed.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BINGHAM. I shall have to object to that, Mr. President; but after what the Senator has said about his willingness to have the measure returned to the calendar——

Mr. KING. No; I said if I had been here at that time.

Mr. BINGHAM. I made the request almost immediately, within a very few moments or hours after it had passed, as soon as I returned to the Chamber. Therefore I am perfectly willing to withdraw any objection to the consideration of the motion for reconsideration and to ask unanimous consent that the vote by which the bill was passed may be reconsidered and that the bill may be returned to the calen-

dar, if the Senator is willing to agree to that. That will take it off the list of motions for reconsideration and put it back on the calendar, where the Senator would have permitted it to go had he been here.

Mr. KING. Mr. President, as I say, in view of the peculiar situation attending this measure, I feel that I can take no step that will not insure consideration and final action by the Senate on this bill within the next few days. I am willing to let the matter go until next Monday, if we can agree to have it taken up at a certain time, and give the Senator all the time he desires.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. JONES. Mr. President, I will say that so far as I am concerned I hope what the Senator suggests may be done, but I feel that I should have the deficiency bill disposed of.

Mr. KING. The Senator has the floor. I do not wish to interfere with the passage of the deficiency bill, because it is important that it should be taken up and disposed of; but after the bill is passed I shall ask the attention of the Senate to the motion referred to.

EVENING SESSION FOR THE CALENDAR

Mr. McNARY. Mr. President, will the Senator from Washington be kind enough to permit me to submit a unanimous-consent request? If it leads to debate, I will withdraw it.

Mr. JONES. I have no objection to the Senator submitting the request.

Mr. McNARY. I submit the unanimous-consent request which I send to the desk.

The VICE PRESIDENT. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that at 7.30 o'clock p. m., on Monday next, January 26, 1931, the Senate proceed to the consideration of unobjected bills on the calendar, subject to the limitation of debate provided in Rule VIII, and continue their consideration until the calendar is completed, or until not later than 11 o'clock p. m.

Mr. LA FOLLETTE. It is the Senator's intention to proceed to the consideration of unobjected bills?

Mr. McNARY. Of unobjected bills.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

FIRST DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. R. 15592, the first deficiency appropriation bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. JONES. I now ask that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first disposed of.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will read the bill for amendment.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 1, to insert:

SENATE

To pay to Mary M. Overman, widow of Hon. Lee S. Overman, late a Senator from the State of North Carolina, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

To pay to Jessie R. Greene, widow of Hon. Frank L. Greene, late a Senator from the State of Vermont, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

For payment to Henry M. Barry, for clerical services rendered the Joint Commission on Airports and the Joint Commission on Insular Reorganization, fiscal year 1931, $1,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1931, $100,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to insert:

The unexpended balance of the appropriation for expenses of inquiries and investigations ordered by the Senate, contingent fund of the Senate, for the fiscal year 1930, is reappropriated and made available for the fiscal year 1931.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

For services in cleaning, repairing, and varnishing furniture, fiscal year 1931, $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, fiscal year 1931, $12,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 9, after line 12, to insert:

EMERGENCY CONSTRUCTION

For an additional amount for repairs, alteration, improvement, and construction of farm, laboratory, and other buildings, structures and equipment, boats, irrigation, drainage, water supply, roadway, and other facilities required in the work of the Department of Agriculture; for clearing, surveying, and fencing land; for structural and other improvements and insect control on the national forests; for control of injurious rodents and predatory animals; and for other necessary expenses, fiscal year 1931, as follows:

Bureau of Animal Industry: For clearing and fencing land at the Animal Husbandry Experiment Farm, at Beltsville, Md., $12,500;

Bureau of Dairy Industry: For remodeling and construction of farm and laboratory buildings and for improving water and electric systems and clearing and fencing land at the dairy experimental farm at Beltsville, Md., $96,000; for construction of farm buildings at the Ardmore, S. Dak., dairy station, $5,000, and at the Woodward, Okla., dairy station, $2,000; in all, $103,000;

Bureau of Plant Industry: For construction, repair, alteration, and improvement of farm and laboratory buildings, windbreaks, retaining walls, hotbeds, coldframes, pit houses, plant shelters, and fences; for grading, constructing, and resurfacing roads, grading and leveling fields; for installing and extending gas, water, and irrigation systems in connection with field activities in Arizona, California, Colorado, Florida, Georgia, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, South Carolina, South Dakota, Texas, Virginia, Washington, or elsewhere, $130,750;

Forest Service: For construction of improvements for the protection and administration of the national forests, including telephone lines, firebreaks, dwellings, offices, miscellaneous small structures, and for fences and water-development projects for range control and other purposes, $354,800; for combating epidemic insect infestations on the national forests adjacent to Yellowstone National Park and threatening the park timber and invaluable timber stands in northern Idaho, $100,000; for construction of boats and floats to be used in Alaska, $73,000; and for development of a nursery site in northern Wisconsin, $6,000; in all, $533,800;

Bureau of Biological Survey: For construction, repair, alteration, and improvement of buildings and other structures, dams, fences, telephone lines, roads, installation of electricity and water system, cold-storage plants, septic tanks, and for surveying wildlife refuges, etc., in connection with bird and game reservation and other field activities in Arizona, Arkansas, California, Idaho, Minnesota, Montana, Nebraska, Nevada, New York, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Alaska, or elsewhere, including the construction of boats for use of the Alaska Game Commission, $232,505; for the control of injurious predatory animals and rodents, $272,100; in all, $504,605;

In all, $1,284,655.

Mr. CARAWAY. Mr. President, I had given notice, by filing an amendment, which is lying on the desk, that I should offer an amendment to this bill to appropriate $15,000,000 to be loaned for the purpose of buying food for people in the drought-stricken area. That has been the understanding, so far as I know, of everyone who was familiar with and interested in the legislation.

Later on my colleague [Mr. ROBINSON of Arkansas] offered the amendment to the Interior Department appropriation bill to appropriate $25,000,000, to be handled by the Red Cross.

While it has been our desire that the people should be permitted to keep both their self-respect, their health, and their lives by borrowing and repaying, we are conscious that two measures can not be passed that will alleviate the situation in some respects. Therefore, I shall not offer the amendment, Mr. President, although it voiced the wishes of the people who were affected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Interior Department, National Park Service," on page 13, line 12, after "sec. 404)" to insert a comma and "and for continuing construction of an approach road from the National Old Trails Highway to the south boundary of the Grand Canyon National Park, Ariz., as authorized by the act approved June 5, 1924 (43 Stat. 423)," so as to read:

Roads and trails: The appropriation for the construction of roads and trails in the national parks and national monuments under the jurisdiction of the Department of the Interior contained in the act approved December 20, 1930, is hereby made available in so far as may be necessary for the construction of highways within the areas authorized to be established as national parks under the acts approved February 21, 1925 (43 Stat. 958–959); May 22, 1926 (U. S. C., title 16, sec. 403); and May 26, 1926 (U. S. C., title 16, sec. 404), and for continuing construction of an approach road from the National Old Trails Highways to the south boundary of the Grand Canyon National Park, Ariz., as authorized by the act approved June 5, 1924 (43 Stat. 423).

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

EMERGENCY CONSTRUCTION

BUREAU OF INDIAN AFFAIRS

Telephone line, Southern Navajo Reservation: For the purchase of supplies and equipment and the employment of labor for the construction and repair of telephone lines within the Southern Navajo subdivision of the Navajo Reservation in Arizona, $13,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

Administration of Indian forests: For an additional amount for the preservation of timber on Indian reservations and allotments, other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry work, including fire prevention, fiscal year 1931, $50,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

Mr. KING. Mr. President, the evidence before the special committee investigating Indian affairs reveals that a very large appropriation was made in 1931 for the forests; indeed, too large an appropriation. It shows that, for instance, on the Klamath Reservation, though the administration of the timber as well as the administration of the forest affairs cost only 3½ per cent of the gross receipts, 8 per cent, or nearly $100,000, were taken. In addition to this sum, a large appropriation of one hundred and some odd thousand dollars was carried in the appropriation bill for administration of the affairs of the reservation. In addition, there were a large number of appropriations for the protection of the forests, special appropriations and general appropriations, aggregating several hundred thousand dollars. There were also large appropriations for education of Indians in Forest Service; and yet none were educated, and no attempts were made; and the appropriations, if they have been exhausted, have been exhausted for other purposes. My information is, however, that out of the funds appropriated for these purposes in the 1931 act there are several hundred thousand dollars still available.

We passed through the Senate yesterday the 1932 Indian appropriation bill, which carries $28,000,000—a sum larger by several million dollars than has ever been appropriated in any single year for the Indian Bureau service.

Mr. President, this appropriation is wholly unnecessary. It is merely to give employment to persons whose services are not required. It is calculated to rob the funds of the Indians, to deplete them, or to saddle upon the taxpayers of the United States an unnecessary burden. I can not conceive of any justification for this appropriation; and I hope the Senate will reject the amendment found on page 14, from lines 8 to 17.

I am sure the Senator from North Dakota [Mr. FRAZIER], who has been making the investigation, can corroborate the statements I have made; and his view will be that there is no necessity, no justification, for this appropriation.

Mr. JONES. Mr. President, let me say that this appropriation is for fire-protection work, the building of lookout towers, and matters of that kind. I think it should be agreed to.

Mr. WHEELER. Mr. President, has the Senator from Utah called attention to irrigation assessments on the San Carlos Reservation? Is that the item?

Mr. KING. No; it is the other $50,000, for fire protection.

Mr. WHEELER. I should like the chairman of the committee to tell us just what this appropriation is for, as a matter of fact.

Mr. KING. He has stated that it is for fire protection, for lookout towers.

Mr. JONES. According to the Indian Bureau, $30,000 of this money would be used for labor, and the other $20,000 would be used for the purchase of materials, and so forth. It is largely for the construction of lookout towers on Indian reservations.

Mr. WHEELER. Let me say to the Senator that in my judgment we ought to reject the amendment. I am not at all satisfied with the appropriations that are being made out of Indian funds for the protection of the timber upon Indian reservations. The truth about the matter is that the cost to the Indian is entirely too high. Because of the fact that these are Indians funds we have been appropriating the money out of the Indian funds; and then, in some instances, we have been building roads that are of no benefit to the Indians, but entirely for the benefit of the lumber companies that are operating in those districts. At least that has been the testimony before the committee in some instances.

I think that without more explanation of this particular item it ought to be cut out.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that this money does not come out of the Indian funds. The language is:

Provided, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber on such lands are insufficient for that purpose.

Mr. WHEELER. Insufficient for this purpose?

Mr. SMOOT. Yes.

Mr. WHEELER. That means it will come out of the Indian funds.

Mr. SMOOT. It says "insufficient."

Mr. WHEELER. I would like to have the interpretation put on this by the Indian Affairs Committee. I do not believe it will be interpreted that this money is to come out of the Treasury of the United States for the purpose of the protection of timber.

Mr. SMOOT. Why should we have any proviso, then?

Mr. WHEELER. Because of the fact that otherwise it would come out of the Treasury of the United States. With this language in it is coming out of the proceeds of the sale of timberlands, I take it.

Mr. SMOOT. That is it exactly. That is what I have said. They are going to sell that timber. It ought to be cut, and why not let it be cut?

Mr. WHEELER. The Senator from Washington says that this is for the purpose of building lookouts, and that the money is not to be taken out of the Treasury of the United States. If it was to be, it would be appropriated out of the Treasury of the United States. The main portion is to be taken out of the proceeds of the sale of Indian timber. The point I am making is this, that what the Indian Bureau has been doing has been entirely too extravagant in the building of roads, the building of lookouts, and things of that kind, which the Government does not do, which no private owner of timber does, but which the Indian Service has been doing, and the cost is coming out of the Indian money. It has not been fair to the Indians at all when that has been done.

Mr. JONES. What comes out of the proceeds of the sales of Indian timber is the cost of administration and that is all. I take it that the cost of the construction of these towers, and things like that, comes out of the Treasury. I so understood it.

Mr. WHEELER. If the Senator is correct about that, and it comes out of the Treasury and the Government of the United States wants to spend $50,000 to build these lookouts, I have no objection, but I do object to it coming out of Indian funds, because our experience and the testimony with reference to Klamath Indians, where they have timber, has shown that the Indian Bureau had simply appropriated money for the building of roads, for the erection of buildings, and for the building of everything else, and the money has come out of the proceeds of the sale of timber, a thing no private owner would think of doing if it meant the selling of his timber. I would like to ask that this be passed over until we get some definite information in reference to it.

The VICE PRESIDENT. The amendment will be passed over without prejudice.

The next amendment was, on page 14, after line 17, to insert:

Irrigation system, San Carlos Reservation, Ariz.: For an additional amount for all purposes necessary to provide an adequate distributing, pumping, and drainage system for the San Carlos project, authorized by the act of June 7, 1924 (43 Stat. p. 475), and to continue construction of and to maintain and operate works of that project and of the Florence Casa Grande project; and to maintain, operate, and extend works to deliver water to lands within the Gila River Reservation which may be included in the San Carlos project, fiscal years 1931 and 1932, $150,000, reimbursable as provided by said act of June 7, 1924, as amended, and subject to the conditions and provisions imposed by said act as amended.

Mr. KING. Mr. President, may I ask the Senator from Arizona whether the appropriation carried in the paragraph just read is embraced within the 1931 appropriation act, or embraced within any of the items carried in the Interior Department appropriation bill which passed the Senate yesterday?

Mr. HAYDEN. Mr. President, this is a supplemental appropriation to speed up the work of making the land under the San Carlos project available for water. It is work which has to be done, and the estimates were submitted with the idea that it should be done at once to provide immediate employment for labor. The item was included in the original emergency public works estimate submitted to the House of Representatives by the President. It was brought to the attention of the Senate Committee on Appropriations through a second Budget estimate, and was included in this deficiency bill. The work will never be done any cheaper than at this time.

Mr. KING. Perhaps I did not make myself clear. The inquiry I am making is, Has an appropriation been made heretofore, in 1931, or in the bill which was passed yesterday, to cover these items?

Mr. HAYDEN. Appropriations for a similar character of work have been made heretofore. This project has been under construction for some years. The Coolidge Dam was completed about a year and a half ago and is impounding water now. Canals and laterals have been built out of other appropriations. This money will continue the work of completing the project.

Mr. KING. My understanding was that the appropriation bill which passed yesterday carried an ample amount for the San Carlos project for the fiscal year 1932, and perhaps for a longer period.

Mr. HAYDEN. The Senator is mistaken in that respect. It carried an amount of money for a similar purpose, but not all the money which could be properly used, and for that reason this supplemental estimate was made.

Mr. KING. Will this amount be within the estimate of the entire cost of the project, which was some eight or nine million dollars?

Mr. HAYDEN. In the estimates of the entire cost of the project to which the Senator refers there was a limitation only on the cost of the Coolidge Dam, which was five and a half million dollars. The dam was built within that limit of cost. There was no limitation on the total cost of the San Carlos project.

Mr. KING. I may not understand it, but I have such confidence in the Senator from Arizona that if he would tell me that black was white I would be inclined to believe him.

Mr. HAYDEN. I assure the Senator from Utah that the appropriation is fully justified.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, after line 4, to insert:

Road, Wind River Reservation, Wyo.: For one-half of the cost for reconstruction and improvement of the road running from Milford across the Wind River or Shoshone Indian Reservation, through Fort Washakie to the diversion dam in Wyoming, as authorized by and in accordance with the act of May 27, 1930 (46 Stat. 430), fiscal years 1931 and 1932, $150,000.

Mr. KING. I would like to inquire whether this is a road for the benefit of the Indians and whether it is chargeable to the Indians and whether it is a project which was heretofore mapped out or suggested, or whether this is just a new project; and if it is new, why it was not provided for in the appropriation bill just passed.

Mr. KENDRICK. Mr. President, the Senator will observe that this item provides for one-half the cost of this road. Under the terms of the authorization bill, which was passed some time ago, the State was required to provide the other half of the cost of construction, and there was also imposed upon the State and county the cost of maintenance. Another provision was that none other than Indian labor should be employed in the building of the road. In all other respects the road is to be constructed on the 50-50 Federal highway plan.

The extreme importance of the amendment is due to the fact that it supplies a stretch of road 28 miles long which will connect two lines of State and Federal highway extending from the Union Pacific Railroad on the south to the Yellowstone Park on the north. This gap is located across an Indian reservation on which the larger acreage of lands are owned by the Indians and are, therefore, nontaxable.

I hope the amendment will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert:

Roads, Indian reservations: For an additional amount for the construction, repair, and maintenance of roads on Indian reservations not eligible to Government aid under the Federal highway act, including engineering and supervision and the purchase of material, equipment, supplies, and the employment of Indian labor, fiscal year 1931, $100,000: *Provided*, That where practicable the Secretary of the Interior shall arrange with the local authorities to defray the maintenance expenses of roads constructed hereunder and to cooperate in such construction.

Mr. KING. Mr. President, I would like to have an explanation of the amendment. Is this to be charged to the tribal funds of the Indians?

Mr. JONES. Oh, no.

Mr. KING. I would like also to know upon what reservations the roads are to be constructed, and who has suggested that more roads be built upon the reservations.

Mr. JONES. The Senator knows that in recent years we have appropriated $250,000 each year for roads of this character on Indian reservations, and $250,000 has been appropriated for the current year. This is $100,000 in addition for such roads, to be expended up to the 1st of July. My recollection is that for the next fiscal year we have provided $500,000 for this purpose.

The general purpose is to have built on these Indian reservations roads which are not taken care of under the general highway act. On many of the reservations the Indians have not the money by which the roads can be built, and they are necessary roads. So we are simply adding $100,000 to the $250,000 carried in the bill each year for two or three years.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, after line 21, to insert:

OFFICE OF EDUCATION

New vessel: For construction of a new vessel with a carrying capacity of not less than 1,300 tons to take the place of the *Boxer*, $400,000.

Mr. FRAZIER. Mr. President, I would like to inquire what this ship, the *Boxer*, is used for?

Mr. JONES. Mr. President, the *Boxer* is a small vessel used for carrying supplies up to the waters of Alaska and on beyond the southeastern part. The Bureau of Education is looking after the Indians all through that country, and the vessel goes as far up as Point Barrow.

The *Boxer* is a very small vessel, carrying only about 1,100 tons. About 4,000 tons of supplies are necessary to be taken up there in a year, and it is necessary to hire commercial vessels to carry those supplies. The commercial vessels are very irregular in their trips, and the freight charges are very high. It is thought that with a vessel of this size, which will carry about 4,000 tons, the Government on one trip—it takes almost a year—will carry practically all the supplies necessary and save nearly $40,000 a year in freight charges.

Mr. SMOOT. Mr. President, the testimony showed that this vessel will last only a few years longer and if we do not make this appropriation there will be a request for a further appropriation before the next bill comes before us for money to charter a vessel, and that we do not want to happen.

Mr. FRAZIER. Mr. President, my understanding was that in the Interior Department appropriation bill, which was voted on last night, the control of the Indians of Alaska was put under the Indian Bureau.

Mr. JONES. That was sought to be done, but it was not accomplished. I think a point of order was made against it.

Mr. SMOOT. It went out.

Mr. FRAZIER. It went out of the bill in the Senate?

Mr. JONES. No; over in another body.

Mr. FRAZIER. I did not so understand.

Mr. JONES. That is the fact.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

ST. ELIZABETHS HOSPITAL

Tuberculosis building: For the construction and equipment of the second floor of tuberculosis building authorized by the act of May 14, 1930, $120,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to insert:

Repairs to old buildings: For remodeling the plumbing and renovating the water sections of the old buildings in St. Elizabeths Hospital, including plastering, flooring, and other work incident thereto, $75,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

HOWARD UNIVERSITY

For excavation, grading, walks, retaining walls, etc., for south quadrangle at Howard University, bounded by College, Sixth, Fourth Streets, and Howard Place extended; drainage and necessary alteration to existing manholes, pipe lines, etc., superintendence of the work, also extension of Howard Place from Sixth Street and McMillan Park, and entrance gates to Sixth Street and McMillan Park, $206,000; retaining wall, wrought-iron fence throughout the north side of square No. 3063, Howard University; lawn-sprinkler system, superintendence of the work, etc., $18,000; rough and finish grading, fencing of Howard University area north of Gresham Place and south of Hobart Street and east of McMillan Park Reservoir Road, and superintendence of the work, $11,000; grading, drainage, fencing, landscaping, and superintendence of the work in the Howard University Medical School area bounded by Fifth Street, Georgia Avenue, and W Street, $15,000; in all, $250,000.

The amendment was agreed to.

The next amendment was, on page 17, line 3, to appropriate a total of $1,308,000 for emergency construction as covered by preceding items.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department, Secretary's office," on page 18, line 20, after the words "set forth in," to insert "Senate Document No. 242 and," and in line 21, after the word "Congress," to strike out "$6,272.11" and insert "$7,661.04," so as to make the paragraph read:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922 (U. S. C., title 34, sec. 599), as fully set forth in Senate Document No. 242 and House Document No. 692, Seventy-first Congress, $7,661.04.

The amendment was agreed to.

The next amendment was, on page 18, after line 22, to insert:

ALTERATION TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the United States ships *New Mexico*, *Mississippi*, and *Idaho*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved January —, 1931, $3,000,000 to be available until expended.

Mr. WALSH of Massachusetts. Mr. President, I understand that some of the $3,000,000 provided for in the committee amendment is for the alteration of two of the three naval vessels which were authorized by a recent measure to be modernized. Am I correct?

Mr. JONES. There is $1,000,000 for each of the three vessels.

Mr. WALSH of Massachusetts. I thought the total sum required would be $4,500,000.

Mr. JONES. No. This is all that was proposed by the Senator from Virginia [Mr. SWANSON].

Mr. WALSH of Massachusetts. This is not the total sum provided for in the authorization?

Mr. JONES. Oh, no. In the authorization there was $30,000,000 provided.

Mr. WALSH of Massachusetts. Why is this amount fixed at $3,000,000?

Mr. JONES. The Senator from Virginia [Mr. SWANSON], who was much interested in these matters, asked for only $3,000,000 at this time in this measure.

Mr. REED. He thought that it is all that could be expended in the balance of this fiscal year.

Mr. WALSH of Massachusetts. I was informed that this amount would only provide for the alterations of two of the three vessels.

Mr. JONES. This is $1,000,000 for each of the three.

Mr. KING. Mr. President, the Senator from Virginia [Mr. SWANSON] stated, as did the Senator from Maine [Mr. HALE], that only two vessels would be modernized within possibly the next two years; that it was impossible to take three out of the service without weakening the Navy, and it would be some time before the third vessel was reached.

Mr. WALSH of Massachusetts. Yes; and that is the reason for my inquiry.

Mr. HALE. Mr. President, when the matter of the modernization of battleships came before the Senate I explained

that the Navy Department, while favoring the bill providing for modernization of three battleships, proposed at the present time to ask for the modernization of only two. The cost of modernizing the two would have been in round numbers about $20,000,000 instead of the larger sum. When the question came up before the Appropriations Committee, however, the opinion of the committee was that it would be better to go ahead and appropriate for three instead of two vessels.

Mr. WALSH of Massachusetts. Therefore it is proposed that this money be used upon all three vessels—$1,000,000 each?

Mr. HALE. Yes.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Washington what is the status of the authorizing bill in the House? Has it passed the House?

Mr. JONES. No; it has not.

The VICE PRESIDENT. The question is on agreeing to the committee amendment. Without objection the amendment is agreed to.

The next amendment of the Committee on Appropriations was on page 19, after line 4, to insert:

BUREAU OF YARDS AND DOCKS

EMERGENCY CONSTRUCTION

Maintenance: For the purposes specified under this heading in the naval appropriation act for the fiscal year 1931, $500,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

Public works: For emergency appropriations for the purpose of increasing public employment and to enable the Secretary of the Navy to construct or provide, by contract or otherwise, the following-named public works and public-utilities projects at a limit of cost not to exceed the amount stated for each project enumerated, respectively, $4,670,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 15, to insert:

Navy yard, Portsmouth, N. H.: Extension of building No. 98, $35,000; extension of building No. 115, $50,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 18, to insert:

Navy yard, Boston, Mass.: Renew roof of building No. 105, $80,000; paving, to continue, $60,000; improvement of water front, $50,000; improvement of electric system, $150,000; crane facilities, marine railway, $50,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 23, to insert:

Navy yard, New York, N. Y.: Extension of dispensary, $35,000; improvement of Dry Dock No. 2, $749,000; improvement of water front, $200,000; improvement of building No. 28, $60,000; improvement of power plant, $80,000; improvement of roofs, $70,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

Navy yard, Philadelphia, Pa.: Improvement of power plant, $90,000; improvement of dry-dock crane, $25,000; improvement of electric system, $35,000; improvement of power plant, $35,000; improvement of buildings, $100,000; improvement of water front, $50,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 8, to insert:

Navy yard, Washington, D. C.: Improvement of heating system, $20,000; improvement of power plant, $25,000; extension of sea wall, $275,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 11, to insert:

Navy yard, Norfolk, Va.: Improvement of boiler-shop facilities, $150,000; extension of woodworking shop, $150,000; improvement of distributing systems, $200,000; paving, to continue, $70,000; improvement of railroad system, $60,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

Navy yard, Charleston, S. C.: Improvement of shipbuilding ways, $150,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 18, to insert:

Navy yard, Mare Island, Calif.: Improvement of fire protection, $75,000; floating derrick, $100,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 20, to insert:

Navy yard, Puget Sound, Wash.: Extension of fuel-oil system, $75,000; fireproof vaults, $25,000; improvement of power plant, $75,000; paving, to continue, $50,000; improvement of dry dock No. 1, $400,000; improvement of tracks, $50,000.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

Naval operating base, Hampton Roads, Va.: Replacement of pier No. 7, $800,000; improvement of oil storage, $50,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 3, to insert:

Naval station, San Diego, Calif.: Quay wall and dredging, $210,000; improvement of crane tracks, $60,000; floating derrick, $100,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to insert:

Naval torpedo station, Newport, R. I.: Extension of assembly shop, $125,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to insert:

Naval ammunition depot, Hingham, Mass.: Improvement of water front, $55,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

Naval ammunition depot, Fort Mifflin, Pa.: Improvement of railroad, $70,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to insert:

Naval torpedo station, Keyport, Wash.: Improvement of fire protection, $15,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

Naval training station, Rhode Island: Improvement of power plant and steam system, $50,000; improvement of Government landing, Newport, $60,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

Naval training station, Great Lakes, Ill., buildings: Improvement of detention unit, $105,000; extension of seaplane hangar, naval reserve, $20,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

Naval training station, San Diego, Calif.: Extension of mess hall, $115,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert:

Depot of supplies, Philadelphia, Pa.: Extension of shop building, $225,000.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

Marine barracks, Quantico, Va.: Roads, walks, service systems, and power-plant equipment, $160,000; improvement of heating system, $60,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 3, to insert:

Marine barracks, Parris Island, S. C.: Improvement of roads, $100,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to insert:

Marine barracks, San Diego, Calif.: Extension of storehouse, $150,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to insert:

Submarine base, New London, Conn.: Replace building No. 42 damaged by fire, $50,000; general repairs, $15,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to insert:

Naval air station, Lakehurst, N. J.: Extension of tracks, service systems, roads, and walks, $75,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

Naval aircraft factory, Philadelphia, Pa.: Seaplane runway, $75,000; extension of sea wall, $100,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 14, to insert:

Naval air station, Hampton Roads, Va.: Resurfacing seaplane runways, $50,000; extension of hangar and shop building, $150,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 17, to insert:

Naval air station, Pensacola, Fla.: Improvement of landplane field, $100,000; filling and grading, $400,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 19, to insert:

Naval air station, San Diego, Calif.: Extension of barracks buildings, $95,000; improvement of gasoline storage, $50,000; resurfacing seaplane runway, $25,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to insert:

Naval hospital, Chelsea, Mass.: Extension of main building, $175,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to insert:

Naval hospital, Newport, R. I.: Extension of main building, $150,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

Naval hospital, Norfolk, Va.: Replacement of landing, $45,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to insert:

Naval hospital, Puget Sound, Wash.: Extension of main building, $150,000; extension of administration building, $50,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 7, to insert:

Naval research laboratory, Bellevue, D. C.: Extension of laboratory building, $125,000; improvement of pier, $60,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to insert:

TREASURY DEPARTMENT

EMERGENCY CONSTRUCTION

Coast Guard: For rebuilding and repairing stations, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1931, $70,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to insert:

WAR DEPARTMENT

EMERGENCY CONSTRUCTION

For emergency construction of public works and repairs thereto, including the same objects specified in the War Department appropriation act for the fiscal year 1931, approved May 28, 1930, for the purpose of increasing public employment, including the procurement of supplies, materials, equipment, and labor in order to accelerate construction work by the various arms, services, and bureaus of the War Department on projects already authorized by law, to remain available until expended, as follows:

MILITARY ACTIVITIES

QUARTERMASTER CORPS

Army transportation: For alteration and repair of boats, $1,678,953.

Barracks and quarters, other buildings and utilities: For repair of buildings and roads, $2,843,544.

Construction and repair of hospitals: For repair of buildings and roads, $42,500.

Military posts: For construction, Army housing program, $730,030.

SEACOAST DEFENSES

Seacoast defenses, United States, Engineers: For the construction of a magazine, extension of wharf, and miscellaneous repairs, $92,700.

Seacoast defenses, United States, Coast Artillery: For procurement of special and technical equipment for fire-control systems and for submarine mine system, $266,600.

Seacoast defenses, Panama Canal, Coast Artillery: For procurement of special and technical equipment for fire-control systems and for submarine mine systems, $292,800.

AIR CORPS

Air Corps, Army: For construction and repair of technical buildings, $504,800; procurement of airplanes to complete fifth increment, $2,654,162; torque stands and repair of buildings and equipment, $366,300; in all, $3,525,262.

ORDNANCE DEPARTMENT

Ordnance service and supplies, Army: For overhaul and preservation of ordnance matériel, $430,183;

Repairs of arsenals: For general and specific repairs to arsenals and depots, $1,203,631.

CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army: For repair of reserve chemical plants, $100,000.

MILITIA BUREAU

Arming, equipping, and training the National Guard: For construction of buildings and utilities at camps, $1,205,752.

NONMILITARY ACTIVITIES

QUARTERMASTER CORPS

Cemeterial expenses: For alteration of road system and construction of administration building, Arlington National Cemetary, general repairs at national cemeteries, $520,900.

Gettysburg National Military Park: For construction of road, $10,000.

Shiloh National Military Park: For rebuilding and resurfacing with concrete the road situated in Shiloh National Military Park in Tennessee from the original boundaries of the park to the Corinth National Cemetery at Corinth, Miss., at a limit of cost of $306,000, there is hereby reappropriated the sum of $50,000 appropriated for said road in the act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, approved May 28, 1930, and also there is hereby appropriated the additional sum of $256,000, all to be expended under the direction of the Secretary of War under the terms of this act instead of under the terms of said act of May 28, 1930.

Antietam battlefield: For reconstruction of roads, $150,000.

National monuments: For improvement of roads, Fort McHenry, Md., and Chalmette, La., $90,000.

Lincoln birthplace memorial: For general improvements, $20,000.

In all, $13,458,855.

Mr. JONES. Mr. President, I desire to offer an amendment to the committee amendment.

The VICE PRESIDENT. The clerk will report the committee amendment.

The CHIEF CLERK. On page 26, after line 13, after the word "construction," strike out the words "of administration buildings" and insert the words "repair and alteration of buildings in administrative area," so as to read:

Cemeterial expenses: For alteration of road system and construction, repair, and alteration of buildings in administrative area, Arlington National Cemetery, general repairs at national cemeteries, $520,900.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to.

Mr. JONES. Mr. President, I desire to offer a further amendment to that amendment.

The VICE PRESIDENT. The amendment to the amendment will be reported.

The CHIEF CLERK. On page 27, line 7, after the word "roads," insert the words "and grounds," so as to read:

National monuments: For improvement of roads and grounds, Fort McHenry, Md., and Chalmette, La., $90,000.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to; and, without objection, the committee amendment as amended is agreed to.

Mr. KING. Mr. President, I would like to submit an inquiry to the chairman of the Committee on Naval Affairs [Mr. HALE] and to the chairman of the Committee on Military Affairs [Mr. REED]. I notice a large number of items carried in the bill for the Navy and a large number of items for the Army. They all seem to be for improvements. I suppose that those items anticipate the appropriations which will be carried in the general appropriation bills or rather that the work which will be done under these appropriations would have been provided for under appropriations which would be carried ordinarily in the general appropriation bills?

Mr. HALE. In the general appropriation bills providing for the future.

Mr. KING. The bills which will be reported before we adjourn providing for the Army and Navy?

Mr. HALE. No; not of necessity in this year's bills. These are projects that have to be carried out in the near future. However, at the request of the President, the department reported projects which ought to be cared for in the near future and which would provide for the relief of unemployment.

Mr. KING. Is this a scheme—and I do not use the word at all offensively—to secure appropriations for the Army and Navy for the next fiscal year in advance of the regular appropriation bills for those branches of the Government?

Mr. HALE. No; I think not. It applies to work that would not necessarily have to be done in the next fiscal year, but which should be done in the very near future.

Mr. JONES. Practically all of these items can be taken care of by the 1st of July. From 70 to 90 per cent of the amounts will be expended for labor.

Mr. KING. What I mean is this: Will the appropriations which we carry in this bill enable us to reduce the appropriations in the general appropriation bills for the Army and Navy?

Mr. REED. Yes; to some extent. For example, I refer to the item which the Senate just approved for the construction of airplanes. Had we not approved this item, it would have to be carried in the regular Army appropriation bill, which will come up next week.

Mr. TYDINGS. Mr. President, I would like to offer an amendment on page 17, to strike out lines 11 to 20, inclusive.

The VICE PRESIDENT. The Chair will state that under the unanimous-consent agreement committee amendments must first be disposed of. The clerk will state the next committee amendment.

Mr. JONES. Mr. President, the remaining committee amendments in the bill are amendments to cover judgments for claims which have been audited. I ask that they may be agreed to en bloc.

The VICE PRESIDENT. Without objection the remaining committee amendments are agreed to en bloc.

The amendments referred to are as follows: On page 27, line 20, after the words "set forth in," to insert "Senate Document No. 243 and "; at the end of line 23, to strike out "$801.89" and insert "$860.39"; at the end of line 25, to strike out "$419" and insert "$503.50"; on page 28, at the end of line 2, to strike out "$1,380.77" and insert "$1,458.18"; in line 4, to strike out "$17,443.20" and insert "$18,286.67"; at the end of line 5, to strike out "$3,238" and insert "$3,595.91"; at the end of line 6, to strike out "$1.404.93" and insert "$1,483.47"; and at the end of line 7, to strike out "$25,938.90" and insert "$27,439.23," so as to make the paragraph read:

DAMAGE CLAIMS

For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215–217), as fully set forth in Senate Document No. 243 and House Document No. 688 of the Seventy-first Congress, as follows:

Department of Commerce, $860.39;
Department of Agriculture, $1,180.83;
Department of the Interior, $503.50;
Department of Labor, $70.28;
Navy Department, $1,458.18;
Post Office Department (out of the postal revenues), $18,286.67;
Treasury Department, $3,595.91;
War Department, $1,483.47;
In all, $27,439.23.

The next amendment was, under the heading "Judgments, United States courts," on page 28, line 16, after the word "in," to insert "Senate Document No. 241 and "; in line 18, after the name "Navy Department," to strike out "$4,697.08" and insert "$8,439.76"; in line 19, before the name "War Department," to insert a semicolon and "Post Office Department, $6,254.11"; and in line 20, after the words "in all," to strike out "$19,195.55" and insert "$29,192.34," so as to read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911 (U. S. C., title 28, sec. 41, par. 20; sec. 258; secs. 761–765), certified to the Seventy-first Congress, in Senate Document No. 241 and House Document No. 690, under the following departments, namely: Navy Department, $8,439.76; Post Office Department, $6,254.11; War Department, $14,498.47; in all, $29,192.34, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

The next amendment was, under the heading "Judgments, Court of Claims," on page 30, at the end of line 6, after the word "in," to insert "Senate Document No. 244 except the judgment No. J–543 in favor of the Pocono Pines Assembly Hotels Co., amounting to $227,239.53, and Senate Document No. 245 and "; in line 12, after the name "United States Shipping Board," to strike out "$213,713.07" and insert "$254,622.59"; in line 13, before the name "Department of Agriculture," to insert a semicolon and "United States Veterans' Bureau, $61,030.62"; in line 14, after the figures "$14,988," to insert a semicolon and "Department of the Interior (Indians), $2,169,168.58"; in line 15, after the name "Navy Department," to strike out "$60,447.74" and insert "$84,272.44"; in line 17, after the name "War Department," to strike out "$170,189.95" and insert "$170,-688.61"; and in the same line, after the words "in all," to strike out "$460,770.68" and insert "$2,756,202.76," so as to make the paragraph read:

For payment of the judgments rendered by the Court of Claims and reported to the Seventy-first Congress, in Senate Document No. 244 except the judgment No. J–543 in favor of the Pocono Pines Assembly Hotels Co., amounting to $227,239.53, and Senate Document No. 245 and House Document No. 693, under the following departments and establishments, namely: United States Shipping Board, $254,622.59; United States Veterans' Bureau, $61,030.62; Department of Agriculture, $14,988; Department of the Interior (Indians), $2,169,168.58; Navy Department, $84,272.44; Treasury Department, $1,431.92; War Department, $170,688.61; in all $2,756,202.76, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in such judgments.

The next amendment was, on page 40, after line 6, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1928 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 247, Seventy-first Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For Interstate Commerce Commission, $1.16.
For vocational rehabilitation, Veterans' Bureau, $1,386.16.
For salaries and expenses, Veterans' Bureau, $127.40.

For military and naval compensation, Veterans' Bureau, $5.34.
For Army pensions, $66.84.

DEPARTMENT OF AGRICULTURE

For salaries and expenses, Weather Bureau, $11.58.
For general expenses, Bureau of Animal Industry, $32.50.
For salaries and expenses, Bureau of Animal Industry, $13.25.
For salaries and expenses, Bureau of Plant Industry, $23.20.
For salaries and expenses, Forest Service, 57 cents.
For general expenses, Bureau of Agricultural Economics, $13.19.

DEPARTMENT OF COMMERCE

For increase of compensation, Department of Commerce, $806.96.
For air navigation facilities, $33.50.
For promoting commerce, Department of Commerce, $453.54.
For party expenses, Coast and Geodetic Survey, $78.92.

DEPARTMENT OF THE INTERIOR

For surveying the public lands, $17.70.
For Yosemite National Park, $150.
For medical relief in Alaska, $211.50.
For Indian boarding schools, $3.20.
For support of Indians in Nevada, $9.50.
For support and civilization of Indians, $13.50.

DEPARTMENT OF JUSTICE

For detection and prosecution of crimes, $15.10.
For salaries, fees, and expenses of marshals, United States courts, $578.25.
For salaries and expenses of district attorneys, United States courts, $19.50.
For fees of jurors, United States courts, $19.60.
For support of United States prisoners, $174.

DEPARTMENT OF LABOR

For expenses of regulating immigration, $13.27.
For miscellaneous expenses, Bureau of Naturalization, 75 cents.

NAVY DEPARTMENT

For pay, miscellaneous, $226.40.
For transportation, Bureau of Navigation, $188.69.
For pay, subsistence, and transportation, Navy, $3,061.43.
For pay of the Navy, $3,366.71.
For maintenanace, Bureau of Supplies and Accounts, $2,041.95.
For freight, Bureau of Supplies and Accounts, $105.39.
For aviation, Navy, $9,422.
For pay, Marine Corps, $401.15.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For clerks, first and second class post offices, $51.65.
For compensation to postmasters, $69.42.
For freight, express, or motor transportation, etc., $72.93.
For indemnities, domestic mail, $209.62.
For railroad transportation and mail-messenger service, $25.
For rent, light, and fuel, $2,550.
For rural-delivery service, $78.91.

TREASURY DEPARTMENT

For collecting the revenue from customs, $112.95.
For Coast Guard, $78.
For outfits, Coast Guard, $7,015.46.
For pay and allowances, Coast Guard, $33.
For repairs to Coast Guard vessels, $72.97.
For enforcement of narcotic and national prohibition acts, internal revenue, $768.05.
For freight transportation, etc., Public Health Service, $8.01.
For mechanical equipment for public buildings, $3.15.

WAR DEPARTMENT

For registration and selection for military service, $173.
For pay, etc., of the Army, $6,622.38.
For pay of the Army, $1,333.57.
For pay, etc., of the Army, war with Spain, $2.40.
For increase of compensation, Military Establishment, $1,808.29.
For Army transportation, $519.90.
For clothing and equipage, $24.13.
For general appropriations, Quartermaster Corps, $340.54.
For incidental expenses, Quartermaster's Department, $64.
For medical and hospital department, $837.90.
For fire control at fortifications, $12.03.
For Air Service, Army, $38.55.
For arming, equipping, and training the National Guard, $80.88.
For Reserve Officers' Training Corps, $19.80.

Total, audited claims, section 3, $46,120.19, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The next amendment was, on page 45, line 4, to change the section number from 3 to 4.

The next amendment was, on page 46, line 21, after the numerals "1875" and the parenthesis, to strike out "23 Stat. 254" and insert "18 Stat. 481"; in line 23, after the word "in," to insert "Senate Document No. 246, and"; in line 25, after the words "under the," to insert "following departments, namely: Department of the Interior, $29,365.40"; and on page 47, at the end of line 1, after the figures "$492.13," to insert "in all, $29,857.53," so as to read:

For payment of interest on amounts withheld from claimants by the Comptroller General of the United States, act of March 3, 1875 (18 Stat. 481), as allowed by the General Accounting Office, and certified to the Seventy-first Congress in Senate Document No. 246 and House Document No. 689, under the following departments, namely: Department of the Interior, $29,365.40; Treasury Department, $492.13; in all, $29,857.53.

The next amendment was, on page 47, line 3, after the word "section," to strike out "3" and insert "4," and in the same line to strike out "$5,256.75" and insert "$34,622.15," so as to read:

Total under section 4, $34,622.15.

The next amendment was, on page 47, line 4, to change the section number from 4 to 5.

The VICE PRESIDENT. The Senate will return to the amendment passed over.

Mr. JONES. Mr. President, I ask that the clerks be authorized to correct all totals where necessary.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment which was passed over will be stated.

The CHIEF CLERK. The amendment passed over is, on page 14, from lines 8 to 17, inclusive, as follows:

Administration of Indian forests: For an additional amount for the preservation of timber on Indian reservations and allotments, other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry work, including fire prevention, fiscal year 1931, $50,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

Mr. WHEELER. Mr. President, I wish to say that I have ascertained I was wrong when I said that the money proposed to be appropriated by the amendment was to be taken out of the Indian funds. The $50,000 appropriation provided for in the clause beginning in line 8, on page 14, is not to be taken out of Indian funds but is to be taken out of the general funds of the Treasury. It is to be used, however, only in the event there is not enough money available from the sale of Indian timber to do the work which it is desired to do. In other words, if all of the Indian money derived from the sale of timber is used up for the preservation of timber or the building of roads or for any other purpose desired, then the $50,000 shall be available. I suggested to the Senator from Utah that I would have no objection to the amendment if the Senate would strike out the proviso beginning in line 14, which reads as follows:

Provided, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

The Senator has suggested to me that if my construction of that language be correct when the amendment gets into conference the conferees will see that the objectionable language is stricken out.

Mr. SMOOT. In that event I shall ask that it be disagreed to.

Mr. WHEELER. Then I have no desire to take up the time of the Senate in a discussion of the amendment.

Mr. SMOOT. I think the Senator's construction of the language is not correct, but if on further consideration it should prove to be correct, then action could be taken accordingly. Of course, we do not want to impose any obligation upon the Indians through the cutting of their timber if it shall not be proper to do so.

Mr. WHEELER. I am sure the Senator from Utah does not desire to do that. I called the attention of the Indian Bureau to the fact that I think the charges they have been imposing on the Indians are unjust. I say it in the most friendly spirit toward the department, but it is something that has crept into the administration of the Indian forest lands, and it ought to be stopped. The fact is they have

been using much of the Indians' money in the building of roads and for other purposes which have not been for the benefit of the Indians but have been almost entirely for the benefit of the lumber companies that have been operating on Indian lands. When the timber is cut off the roads remain, but there is nobody to travel over them except once in a while an Indian. That has been extremely unfair to the Indians in many cases.

Mr. SMOOT. I should like to have the Senator from Montana write me a letter in relation to it.

Mr. WHEELER. I shall do so.

The VICE PRESIDENT. Does the Senator from Montana suggest an amendment to the committee amendment?

Mr. WHEELER. I suggested such an amendment to the Senator from Utah, but he explained to me that if my construction of the language shall be correct he will be glad to take care of the matter in conference.

The VICE PRESIDENT. Without objection, the committee amendment is agreed to.

Mr. JONES. That completes all the committee amendments that have been passed over. There are, however, three or four committee amendments which I am authorized to present on behalf of the committee.

Mr. REED. Mr. President, before the Senator from Washington offers those amendments will he not allow me to call attention to an error in one of the committee amendments occurring on page 26, line 14? At that point there should be inserted the word "and" after the word "cemetery."

Mr. JONES. I think that is correct.

Mr. REED. So that the clause would read:

And general repairs at national cemeteries.

Mr. JONES. I ask for a reconsideration of the vote by which that amendment was agreed to.

The VICE PRESIDENT. The vote whereby the amendment was agreed to will be reconsidered and, without objection, the amendment will be amended as proposed by the Senator from Pennsylvania, and, without objection, the amendment as amended will be agreed to.

Mr. JONES. There are three or four amendments that the committee has considered very carefully and decided to recommend to the Senate. They are all subject to points of order if any Senator feels that points of order should be made, but the committee, as I have stated, decided to recommend them to the Senate because of the peculiar situation and conditions.

One of those amendments relates to the Senate itself and provides:

That Public Resolution No. 87, approved February 10, 1923, is amended to read as follows: "That salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified; and salaries of Senators elected to fill such vacancies shall commence on the day they qualify: *Provided*, That when no appointments have been made, the salaries of Senators elected to fill such vacancies shall commence on the day following their election."

That far, Mr. President, the language is the same as that of the existing law. The addition that the committee proposes to make reads as follows:

Provided further, That when Senators have been elected during a sine die adjournment of the Senate, at a time other than a general election, to succeed appointees, the salaries of Senators so elected shall commence on the day following their election, and the salaries of such appointees shall cease on that date.

I think all Senators will see the point to that. It is to meet a situation that confronts us now. So I offer the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington on behalf of the committee will be stated.

The CHIEF CLERK. On page 2, after line 8, it is proposed to insert the following:

That Public Resolution No. 87, approved February 10, 1923 (42 Stat. 1225), is amended to read as follows: "That salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified; and salaries of Senators elected to fill such vacancies shall commence on the day they qualify: *Provided*, That when no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election: *Provided further*, That when Senators have been elected during a sine die adjournment of the Senate, at a time other than a general election, to succeed appointees, the salaries of Senators so elected shall commence on the day following their election, and the salaries of such appointees shall cease on that date."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. Mr. President, we are all familiar with the proposition of constructing a road from Washington city to Mount Vernon. The authorization for the appropriation has been exhausted. It will take about $2,700,000 to finish that road. It is very desirable that it shall be finished by 1932, and the amendment I am going now to propose provides the necessary $2,700,000. Legislation to cover the item has been presented, but no action has as yet been taken on it. However, the committee felt, under the circumstances and in view of the importance of the project, that we would be justified in recommending to the Senate that the $2,700,000 be appropriated. So I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 12, after line 6, it is proposed to insert the following:

Bureau of Public Roads: For an additional amount for paving and other expenses of constructing the highway from Washington, D. C., to Mount Vernon, Va., including all necessary expenses for the acquisition of such additional land adjacent to said highway as the Secretary of Agriculture may deem necessary for the development, protection, and preservation of the memorial character of the highway, $2,700,000 to remain available until June 30, 1932.

Mr. KING. I should like to ask the Senator the aggregate cost of the Mount Vernon road?

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. JONES. The authorization so far has been four and a half million dollars. That has all been appropriated. It is now estimated that it will cost $2,700,000 additional to complete the road.

Mr. KING. That is six or seven million dollars for a road less than 25 miles long.

Mr. JONES. That is true.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. I yield.

Mr. HOWELL. As I understand, this appropriation has nothing to do with the construction of the road, but is merely for the purpose of buying land between the right of way for this road and the water front along the Potomac River?

Mr. JONES. I do not so understand, I will say to the Senator. A portion of it is to be used for that purpose; a portion of it is to be used for beautifying the adjoining lands along the road; and the remainder is to be used for actual construction.

Mr. HOWELL. My understanding is that the construction has been fully provided for, and this item is for the purchase of lands between the right of way of this highway and the river.

Mr. PHIPPS. Mr. President, will the Senator yield to me for a moment?

Mr. HOWELL. I yield.

Mr. PHIPPS. I should like to say that I think the amount provided by the amendment includes the necessary cost of paving the highway.

Mr. JONES. Oh, yes; of putting the road in first-class shape.

Mr. HOWELL. I inquire, what proportion of this amount is for paving?

Mr. JONES. Here is what Mr. MacDonald, the head of the Public Roads Bureau, says:

We are now ready, Senator PHIPPS, to award the contract for the paving. The grading is practically complete. The bridges are well

along toward completion. We have the schedule well in hand, so that if we can award the contract for the paving within the next month we will have the road ready for use by the end of the year.

The grading is finished, but the paving has not been started.

Mr. HOWELL. How much is there left of the fund——

Mr. FESS. Mr. President, will the Senator yield?

Mr. HOWELL. I yield to the Senator from Ohio.

Mr. FESS. The bridge and the grading and filling at Hunting Creek are not nearly completed, and also at Little Hunting Creek. In other words, there is some very expensive masonry work that has not as yet been completed. The grading has not been entirely completed and will not be completed until next spring. On the other hand, as I told the Senator from Nebraska in conversation with him, there is a good deal of additional expense which was not expected. For instance, there is the expense involved in taking out two spans of a bridge and making a detour on that account, which cost nearly $50,000, and which was not estimated for at all when the original estimate was made. Also there has been a change in the plan as to Columbia Island. So there are several items involving much greater expense than was originally contemplated.

I think the Senator from Nebraska got the idea that this amount was all for the purchase of land from me when I talked with him the other day, but I was in error about that.

Mr. HOWELL. What proportion is for the purchase of land between the right of way and the river front?

Mr. JONES. I can not tell the Senator that.

Mr. HOWELL. Mr. President, it has been quite the practice in this section of the country to make the Government pay an enormous price for lands of this character. I should be very glad to withdraw the objection to the consideration of this amendment, provided that portion of the money which it is proposed to appropriate for the purchase of adjacent lands shall be eliminated until such time as condemnation proceedings advance to the point where Congress may know what is to be paid for the adjacent lands.

Mr. FESS. Will the Senator yield to me?

Mr. HOWELL. I yield to the Senator.

Mr. FESS. I have some sympathy with what the Senator says, but as soon as this boulevard shall have been completed we all recognize that the price of land in the vicinity will go sky-high, and I think it will be much better for the Government to purchase whatever land is needed for the protection of the boulevard now than to postpone purchase until later, when the land will be very much more expensive.

Mr. HOWELL. Mr. President, the rise in the value of these lands has been fully anticipated; it always is; it is usually higher just prior to purchase than afterwards. I think that if it were understood by the owners of these lands—and the lands are not highly valuable for anything except the location of homes and villas; they are not valuable for agricultural purposes——

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HOWELL. If the owners realized that whatever was to be paid for these parcels of land was to be reviewed by Congress and considered, it might have a very material effect in saving a considerable sum to the Treasury.

Mr. JONES. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. JONES. I, myself, would have no objection if the Senator will propose an amendment providing that no part of this sum shall be used for the purchase of land.

Mr. REED. O Mr. President, before that is agreed to, let me say it is a foregone conclusion that the construction of this road is going to lead to an outbreak of advertising signs, of hot-dog stands, and similar establishments which disfigure every road in the neighborhood of Washington at the present time. If we wait until such structures shall be built, and income is being derived by the landowner from all the cheap shanties which will be put up, we are going to have to pay much more for these properties than if we buy them as vacant land. I hope the Senator will not put his amendment in that form. If he wants to require every piece of land to be condemned, so that we will be protected against any unwise and excessive payment, I will be glad to see him do that, and I appreciate that he is trying to save money for the United States; but we ought not to postpone action in getting title, otherwise we will have to pay much more money in the end, and the looks of the road will be spoiled in the meantime.

Mr. HOWELL. Mr. President, I think it is time that Congress should review the amounts of money that are paid by the United States, even under condemnation proceedings, for lands in this vicinity. If the owners realize that these payments are going to be considered and that the amount thereof is going to be visaed, our chance for buying cheaper will be much greater, not merely in this particular instance but in every case.

I am sorry I can not agree with the Senator from Pennsylvania to the effect that the erection of hot-dog stands and of signs is going to increase the value of this land. It will rather decrease the value of the land.

Mr. President, it will be realized that, for signs, $100 a year is a high payment.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. PHIPPS. Having conferred with the Chief of the Bureau of Good Roads of the department, I think I can now give the Senate and the Senator some of the information desired.

I am informed that the contracts for paving will amount, in round figures, to about $1,500,000; that the amounts that may be expended for the acquisition of property will probably be between five hundred and six hundred thousand dollars, not to exceed $600,000; and the remainder will be required in the completion of the bridges, providing for the unforeseen contingencies—such as the closing of the Highway Bridge, which already has been referred to—and the changes in Columbia Island.

Mr. HOWELL. Mr. President, in connection with Government construction, there seems to be the idea that estimates can be made as of one amount at one time, and later the department officials can come in here and get any amount of money they see fit. Certainly the grading and the paving of this highway, which has been provided for, was estimated for. Who is responsible for these mistakes in estimates? The Senate, as a board of directors, ought to call before them those who are making these estimates that are so markedly out of line. Are we going to be induced to go into certain enterprises by low estimates, and then those who made the low estimates go scot-free after we find that the estimates are only about 50 per cent of the cost?

I should be very glad to accept this amendment, provided the amendment to the amendment suggested by the Senator from Washington is accepted.

Mr. SMOOT and Mr. McKELLAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HOWELL. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I desire to say to the Senator and to the Senate, too, that if we do not have any more success in condemning this land than we have had in many cases in Washington during the purchase of the land for the Federal building program, I prefer not to have any condemnations, because they have cost us more practically every time. There are one or two times when they did not; but in nearly every case the condemnation proceedings have cost us more when the Government of the United States has gone into court and asked for condemnations.

Mr. HOWELL. But is there any reason why the responsible parties in charge should not obtain an upset price from those who want to dispose of their land?

Mr. SMOOT. They ought to do so.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. HOWELL. I do.

Mr. McKELLAR. Will the Senator restate his amendment and let us see exactly what should go in?

Mr. JONES. I will ask the clerk to read the amendment that I have proposed to this amendment.

Mr. McKELLAR. Then we can see exactly what it is.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to add, at the end of the amendment, the following:

Provided, That no part of said sum shall be expended for the purchase of land.

Mr. FESS. Mr. President, I sincerely hope the Senator will not agree to that. That is one of the most important features about the amendment.

Mr. JONES. The whole proposition is subject to a point of order.

Mr. FESS. I know it.

Mr. HOWELL. Mr. President, I think that under the circumstances, as the conference committee might easily throw this out, I will make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

The bill is still on its second reading and open to amendment.

Mr. JONES. Mr. President, I have another committee amendment that is recommended by the committee, and it is subject to a point of order. This amendment deals with the situation at Lynchburg, Va.

Some time ago an appropriation of $183,000 was made for the acquirement of additional lands in connection with the public building that they have there. There had been acquired several tracts of land in the block where the public building now is leaving unacquired a tract that is occupied by the printing establishment of the junior Senator from Virginia [Mr. GLASS]. The Senator from Virginia is not at all anxious to dispose of his property, but the Post Office Department was very desirous of acquiring that tract; and an arrangement was practically entered into between the Department and the Senator from Virginia to acquire it in consideration of this sum of $183,000. The Senator, of course, would have to remove his printing plant. That would cost him twenty-five, thirty, or forty thousand dollars, for which he would get nothing.

There seems to have been a general agreement between the Senator from Virginia and the Post Office Department that this sum of $183,000 would be accepted; but the Treasury Department came to the conclusion that the land would have to be condemned. In the condemnation proceedings, according to the solicitors, there would be several items of expense to which the Senator from Virginia would be put that could not be taken into consideration. It also appeared that there is a statute against a contract between the Government and a Member of the Senate or the House of Representatives. So, to meet the peculiar situation, the committee decided to recommend to the Senate for its consideration an amendment that is recommended very strongly by the Post Office Department; and I present this amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 24, after line 5, it is proposed to insert the following:

OFFICE OF THE SUPERVISING ARCHITECT

Lynchburg, Va., post office and courthouse: There is hereby authorized and directed to be acquired for this project for the sum of $183,000, by purchase agreement with the owner notwithstanding the provisions of any other law, subdivisions of lot 8, city block Nos. 214 and 216, abutting on Ninth Street and immediately adjoining the property of the United States Government, including the building thereon. The appropriations made for this project under the provisions of the second deficiency act, fiscal year 1928, approved May 29, 1928 (45 Stat. 921), and of the first deficiency act, fiscal year 1930, approved March 26, 1930 (46 Stat. 119), shall be available for payment of said sum of $183,000, to be paid in full settlement and release of all claims and demands of whatsoever nature or character arising out of or in any manner connected with the acquisition hereunder authorized. The owner and occupant of the property authorized to be acquired hereunder shall be afforded a reasonable time, not exceeding 12 months from the date of approval hereof, within which to remove his plant therefrom and to another site.

Mr. JONES. Mr. President, I ought to say, too, that judging from the facts presented to the committee the people of Lynchburg are practically unanimous in desiring to have this property acquired as a part of the site for the public building.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, there is another amendment that is subject to a point of order that the committee has considered very carefully, and presents to the Senate with its recommendation.

The reclamation situation is rather critical. Several projects are under way by the Reclamation Service. These projects were undertaken when conditions indicated that there would be plenty of money to carry on these projects. Sufficient money to carry them on is not available, however. Unless money is made available in some way, the Government is going to lose a lot of money, and these projects are going to be delayed, to the very great damage of the settlers and to the reclamation works that have already been undertaken.

Several years ago, I think in 1910 or 1914, we passed a law authorizing the turning over to the reclamation fund of $20,000,000, to be repaid to the Treasury after a certain period of time at the rate of $1,000,000 a year. The repayment of this sum began about 10 years ago; and every year during the last 10 years a million dollars of the reclamation funds that have come in has been turned into the Treasury instead of into the reclamation fund. There are about 10 payments still to be made.

The committee came to the conclusion that under the peculiar circumstances confronting the Government and confronting reclamation work, it would be wise to suspend these payments for a period of five years. In other words, instead of turning over to the Treasury during the five years, including this fiscal year, $1,000,000 each year, the $1,000,000 would go into the reclamation fund to aid in carrying on the projects that are under way. Then, after five years, out of the reclamation fund we would begin to pay into the Treasury at the rate of a million dollars a year.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. JONES. I yield to the Senator.

Mr. CARAWAY. This is public money loaned without interest to the projects?

Mr. JONES. That is practically true.

Mr. CARAWAY. I do not expect to object to it. However, we are trying to have drainage and levee districts that are utterly incapable of carrying on their projects refinanced, and that seems to be meeting with opposition.

Mr. JONES. I desire to say to the Senator from Arkansas that, so far as I am concerned, I have been very much in favor of something being worked out along those lines with reference to drainage, and I have been ready personally to cooperate to that end.

Mr. CARAWAY. I have no doubt of that. I am just calling attention to the fact that the bill passed the Senate and is held up in the other House, and we can not even get consideration of it.

Mr. JONES. I think that is a very important matter.

So, Mr. President, with that statement, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 12, after line 9, it is proposed to insert the following:

BUREAU OF RECLAMATION

The annual payments required to be made from the reclamation fund to the general funds in the Treasury as reimbursement for advances made in accordance with the provisions of the act entitled "An act to authorize advances to the 'reclamation fund,' and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," approved June 25, 1910, as amended, are hereby suspended for a period of five years, beginning with the fiscal year ending June 30, 1931.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, those are all the amendments of the committee.

The reading of the bill having been concluded—

Mr. TYDINGS. Mr. President, on page 17 of the bill, commencing with line 11 and ending with line 20, is a provision to increase the appropriation for the Bureau of Prohibition. I do not want to oppose any reasonable appropriations to the Prohibition Bureau to carry out its particular function, but I do feel that enough money is now being appropriated to carry it on on the plane on which it seems to be the wish of the Congress that it should conduct its affairs.

I would be glad to increase the amount of money a great deal if we are to have more enforcement; but just to put on 15 or 20 more agents in a country with a population of 120,000,000 is ridiculous, nothing more than a waste of public funds. Unless we are going to have a large prohibition force, which can police the whole country, providing for 20 or 25 more employees is not going to serve any purpose whatsoever.

I therefore move that all of lines 11 to 20, inclusive, on page 17, be stricken from the bill. In my judgment the Prohibition Bureau will not be helped at all by getting this additional money, because it is only a drop in the bucket.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WHEELER. I was going to ask the Senator if his suggestion is in accordance with the Wickersham report, or to ask if he had looked at that report to find out what they had to say with reference to the matter.

Mr. TYDINGS. The Wickersham report, in a sentence, seems to admit there are a lot of bad conditions in the country, and they seem to feel that we ought to keep on as we are going in order to clear up those bad conditions. Just how they can reconcile the two premises I do not see. For my part, I have had enough of the farce, and I want to see the matter put into the hands of the States, where the people can settle it better for themselves than others can settle it for them.

Mr. President, I ask that this sum of money, about $543,370, be kept in the United States Treasury, it not being needed, and the expenditure being a waste of funds. We need this money for other purposes in these days of depression a great deal more than we need to have a lot of spies turned loose on the people of the country, and the small degree of additional enforcement which will come from this additional half million dollars will not be a drop in the bucket. It is just a gesture. It does not mean anything at all. It is just a waste of half a million dollars, the appropriation of which will not accomplish anything worth while.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. TYDINGS. I yield.

Mr. KING. The Senator will recall that we just wasted $500,000 on the Wickersham Commission. What is $500,000 more?

What I wanted to ask the Senator was this: Is this to pay the salaries of employees who are now in the bureau, or is it to pay the salaries of new employees, and if so, for what period? If this amount is preserved in the bill, will it be deducted from the general appropriation bill which is supposed to have made provision for this bureau for 1932?

Mr. TYDINGS. My understanding is that this appropriation is to be used in accordance with the wishes of the Director of the Bureau of Prohibition. He can use it to increase some salaries where he feels increases are needed, or he can use it to employ additional enforcement agents, and I believe that is the reason for it.

We hear a lot from time to time from a great many people to the effect that they are not satisfied ith present dry-law enforcement, and whenever there is criticism of law-enforcement methods the answer always is to have more of the same kind of enforcement. People say, "We are not satisfied with it," and then Congress puts on 200 more agents to do the same thing, to a greater degree, about which the people complain.

I want to submit to those Senators who come from States where prohibition is favored that in the State of Illinois last year the people passed on the question, "Shall the eighteenth amendment be repealed?" By a plurality of 2 to 1 they voted that they wanted to have the amendment repealed. Over a million people voted for its repeal, and only about 500,000 voted to retain it. Senators know the answer in Massachusetts, where the same question was submitted.

Are we to have a government of the people in this country, who will have the kind of laws they want, or are the 96 subkings sitting in the Senate to tell the people what kind of laws we want them to live under? If we add together the populations of the States where referenda have been held on this question, we will find that nearly half the people voted directly in opposition to the very philosophy we are about to adopt in this bill.

It seems to me that we have gone far enough in the futile waste of money. There is no enforcement in the country. Why go on with this sham, with speak-easies all over the country, with graft and corruption reaching up to the judiciary in many cities, with Federal grand juries denouncing the system here, there, and everywhere, even bringing to light the fact that in Philadelphia one police inspector with a salary of $3,000 a year had $163,000 in cash in bank; another one, $75,000; another one, $64,000; and 13 captains, whose salaries were $2,400 a year, had cash deposits of over $20,000, one of them running over a hundred thousand dollars, in that city.

In the city of Pittsburgh the United States Federal grand jury say that enforcement is impossible, because the police force is in rebellion against the philosophy of the law and will not help to support it.

In Detroit there is the same condition. There are the killings in Chicago we hear about. It is justifiable nowadays to take human life without a trial for the commission of a felony. Lynch law by Congress is all it is; and when the accounts are related on the floor of one branch of Congress the Representatives of the people applaud the lynching of a man, who was shot down in cold blood because he was suspected of committing an offense.

How far are we to go with it? Where are we to stop? Who runs this Government, the people who pay the taxes and who elect us here, who express their views over and over again in opposition to what we are about to do—are they to be consulted; is their will to govern; or are we supermen to tell them the government under which they are to live?

Think of the intemperance of the thing! Think of the intemperance of forcing upon the people of Illinois, not the wishes of the people of Illinois, but the wishes of the people, say, of Kansas or Texas or Maryland, as the case may be. It is their State; it is their local affair; and every time we reach out into the domain that is properly theirs, they surrender up the whole thing to us, and chaos and corruption result in all cases.

I believe that this amendment of mine will be defeated, because you can get millions of money from Congress to put on more prohibition agents whenever you want it, but you can not get a cent to rehabilitate the sick, or the depressed, or the farmers, or what not. You can waste it by giving it to a lot of prohibition agents to go around destroying the liberty and the freedom of the people.

For my part, I have reached the end of the enforcement scheme. I am not afraid of what they may do to me in the future. I think the whole thing is so ridiculous—to suppose that five or six thousand Federal prohibition agents can police a country of 120,000,000 citizens, scattered over an area 2,000 miles long and about a thousand or 1,500 miles wide—that it is not worth thinking about.

One big city has more policemen to enforce its laws than we have prohibition agents for the whole United States. Yet we are going to put on 20 new agents, and then there will be no drinking, no more bootlegging, no more speak-easies; it is all going to stop when we spend this half million

dollars more! All right; spend it, if you will. For my part, I shall vote to keep it in the Treasury.

Mr. JONES. Mr. President, I think we had better have a vote rather than enter into a discussion.

Mr. KING. Mr. President, I understand, from the statement made by the Senator from Maryland, and from the press, that this appropriation is sought in order to employ a large number of additional prohibition agents, because it is deemed necessary to have a larger force in various parts of the United States. Yet I find that $319,061 of this amount is to be spent in Washington. It seems to me that if my premise is right, this appropriation ought to be modified, and a smaller amount appropriated.

Mr. JONES. Mr. President, according to the House hearings, the appropriation is made necessary by the transfer of the Prohibition Unit from the Treasury Department to the Department of Justice, and also to provide for 130 additional special agents.

Mr. KING. The Senator knows that provision was made in the 1931 appropriation act, both for the Department of Justice and the Treasury Department, to concentrate all of those who were employees of those two departments. If there has been a transfer—and I understand there has been—of the agents of those departments to the Prohibition Unit, the appropriations heretofore made would be available for the payment of their salaries for the fiscal year 1931.

Mr. JONES. I just take the statement made in the House hearings. We had no hearings with regard to it before the Senate Committee on Appropriations. There was no suggestion made that this item should be stricken out, and it was found that there is not an adequate amount of money appropriated to carry out this work, with the changed condition of things. Hence the reason for this deficiency appropriation.

Mr. KING. Mr. President, I have voted for all appropriations asked by the Executive for the enforcement of prohibition laws, notwithstanding the mistakes and inefficiency—putting it mildly—which have attended their enforcement, but I am not satisfied that there is any necessity for this appropriation. It seems to me it is merely to create jobs for a number of persons who like the Washington atmosphere.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was rejected.

Mr. COPELAND. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 26, line 9, the Senator from New York proposes to insert the following:

United States Military Academy: For repairs and alterations to buildings, roads, and electric, gas, water, and sewer systems, $1,465,000.

Mr. JONES. Mr. President, I desire to say that this item was included in the Budget estimate sent down. A proper showing was made by one of the officials of the War Department, who went up to the academy and made a personal inspection, and so far as I am concerned, I have no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 18, after line 10, insert:

CHILDREN'S BUREAU

For carrying out the provisions of the act entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," approved January —, 1931, $1,000,000.

Mr. LA FOLLETTE. Mr. President, contained in this bill is an item to provide for the modernization of three battleships. The authorization for that appropriation passed the Senate but has not yet passed the House of Representatives. The identical parliamentary situation exists concerning the maternity and infancy bill, and I think that if the Senate of the United States and the Committee on Appropriations can take action to provide for the appropriation of money for the modernization of three battleships in a situation where the House has not yet acted, it can likewise take action to provide money for the carrying out of the provisions of the maternity and infancy act.

Mr. President, upon this amendment I ask for the yeas and nays.

Mr. JONES. I do not think the Senator need ask for the yeas and nays. I appreciate the force of the suggestion he makes. Furthermore, under the rule of the Senate the amendment is in order, the maternity bill having been passed during this session of the Congress.

Mr. KING. The Senator knows the maternity bill has not yet been enacted into law.

Mr. JONES. But it passed the Senate, and under the rule of the Senate an appropriation to carry out the purposes of a measure passed during the session is in order.

Mr. KING. I am not challenging that construction of the rule, but I ask the Senator if the amount would be made available before the beginning of the fiscal year 1932, because the bureau certainly would not function until the fiscal year 1932.

Mr. JONES. If we make an appropriation, of course, the money will be available, and they are ready to carry out the purposes of the act.

Mr. KING. Will there be a further deficiency bill before we adjourn?

Mr. JONES. There will be another general appropriation bill.

Mr. KING. Why not pretermit the appropriation now when we do not know the fate of the maternity bill?

Mr. BINGHAM. Mr. President, may I ask just what is involved in the question? Do I understand correctly that if the authorization bill does not become a law then the appropriation will not be available?

Mr. JONES. Of course, if the conferees finally agree on the $1,000,000 and it should become a law, the money would be available. Of course, there might not be any legislation to enable them to use it to carry out the purposes of the maternity bill. If the maternity bill does not become a law, there is nothing for which to use the $1,000,000. The amendment is in order under the rule of the Senate.

Mr. LA FOLLETTE. Mr. President, some of the arguments which are being made against this appropriation would apply with equal force against the bill providing for the modernization of battleships.

Mr. BINGHAM. I have never heard it mentioned that the money for the modernization of battleships would be spent if the authorization bill is not passed by both Houses and does not become a law. We left a blank space for the date upon which the bill would become effective as a law, which would seem to indicate that if it is not approved or not passed the money would not become available. I have not heard anyone say that we could go ahead and spend money for the modernization of battleships which we do not authorize. It is significant and characteristic of this type of legislation that whenever there is something of this nature we can go ahead and spend the money, even though it is not authorized, because, forsooth, by a Senate rule and because of a bill having passed the Senate we can put the item in the appropriation bill; but I did not suppose for a minute that the money would actually be appropriated before the conferees finally agreed on the other measure.

Mr. JONES. The money may be actually appropriated, but if the other bill does not become a law then there is nothing for which the money can be spent.

Mr. NORRIS. Mr. President, why are we making an argument here against the appropriation of money for the purpose of carrying the maternity bill into effect when the maternity bill itself is in exactly the same situation as the bill providing for the modernization of battleships? They are on all fours; their position is exactly alike. Both bills

have passed the Senate. What will happen to eitner one of them if the appropriation bill passes both Houses and the bills authorizing the appropriation fails? That is something to be settled when we get to it. There is no use crossing that stream in the maternity case unless we likewise want to cross the same stream in the battleship case. If one can do it, the other can do it. If it is a bad practice to appropriate $1,000,000 for mothers and babies, I suppose we would be out of order if we said it is bad practice to appropriate $30,000,000 for the rebuilding of some battleships which in all human probability will never fire a shot.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 18, after the amendment offered by Mr. LA FOLLETTE, after line 10, to insert the following:

BUREAU OF LABOR STATISTICS

For the collection and publication of statistics of the volume of and changes in employment as required by the act of July 7, 1931, "An act to amend section 4 of the act entitled 'An act to create a Department of Labor, approved March 4, 1913,'" including personal services in the District of Columbia, $40,000.

Mr. WAGNER. Mr. President, I am sure that this item was omitted from the deficiency bill by inadvertence, because the Congress has enacted this year a law requiring the Labor Department to collect accurate economic information as to employment and unemployment. In other words, we have a mandate from the Congress that this information be collected by the Department of Labor. At the time the bill was before us we all recognized the necessity for the information as the basis of any effort to aid in the prevention or relief of unemployment. It is paralyzing the department to have a law upon the statute books requiring certain things to be done and then to be given no appropriation to carry out that law.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WAGNER. Certainly.

Mr. SMOOT. I notice that the amendment concludes with the following words:

Including personal services in the District of Columbia, $40,000.

That is the whole amount involved. Does the Senator know what the amount will be that is to be used for personal services in the District of Columbia?

Mr. WAGNER. I may say that I am not an expert in the drafting of such amendments. I merely want to give the bureau the sum which has been estimated to be required, about $40,000, to collect between now and the beginning of the next fiscal year the accurate statistics relating to unemployment. We have the law requiring such collection and we have provided no facilities for carrying it out.

Mr. SMOOT. But under the amendment the Senator has proposed they could use $39,000 of this money for employees in the District of Columbia.

Mr. WAGNER. Then let us eliminate that provision of the amendment. The money is to be given to the bureau to do the work required under the law.

Mr. SMOOT. Of course, they could not collect the information without going outside of the District of Columbia, and they could not prepare the information collected unless it is done in one of the departments. I do not know why we should have those words in the amendment, "for personal services in the District of Columbia."

Mr. WAGNER. I think perhaps the Senator from Pennsylvania [Mr. DAVIS], who has had some experience as Secretary of Labor, can enlighten the Senator.

Mr. DAVIS. Mr. President, it is not necessary for that language to be in the amendment, but it is absolutely necessary to have the appropriation.

Mr. SMOOT. I am not objecting to the appropriation. What I am objecting to is the language providing that the $40,000 might all be used for personal services in the District of Columbia. It could be done.

Mr. DAVIS. The statistical men who will do the work in the field in gathering the statistics will have to come here for the purpose of compiling the statistics. There are not sufficient men in the department here to do it.

Mr. SMOOT. I think it is all right without that provision, though. The department can spend the $40,000 outside for the collection of the information, and I am not objecting to that at all. But it seems to me the regular force here, after all the work is done in the collection of the statistics outside, could analyze the information without employing additional help in the District of Columbia.

Mr. DAVIS. The men who gather the statistical data outside of the District then come here to help those who are already here in analyzing and summarizing the statistics which they have gathered, which enables the bureau to handle the work without the employment of additional men in the District for that purpose. There is not in the bureau in the District a sufficient staff to compile the statistics after they are gathered by the outside men.

Mr. WAGNER. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. WAGNER. If the latter part of the amendment to which he makes objection is eliminated, will there be authorization by the department to pay men who are doing work in the District of Columbia?

Mr. SMOOT. From what the Senator from Pennsylvania has just said, they want the men who make the investigation in the field to come into the District and help with the work which then must be done in the District.

Mr. DAVIS. That is true, or else there will have to be additional men employed to do that work in the District. It is just as broad as it is long so far as the expenditure of money is concerned.

Mr. SMOOT. I have in mind many similar cases in the past where an amount was made available for personal services in the District of Columbia without the amount for that purpose being specified, and in the absence of such a provisions advantage has geen taken of the situation and it has led to great abuses.

Mr. WAGNER. I think it would be very difficult to apportion the amount between the District and the outside activities. We will have to rely on the administrator in the department.

Mr. SMOOT. I simply call attention to it now. I am not going to object. It used to be the rule in years past not to make such a specific provision. The practice was abused so unmercifully that it was finally decided that we would not have any more appropriations of that general character. This is a new work, however, and I have not any objection to it, but I want the situation understood.

Mr. DAVIS. Yes; this is a new work under the bill which was introduced by the Senator from New York [Mr. WAGNER] and which passed earlier in the session.

Mr. LA FOLLETTE. Mr. President, may I say to the Senator from Utah [Mr. SMOOT] that this work will be under the direction of Mr. Ethelbert Stewart. I am sure the Senator knows Mr. Stewart is a public servant of long and faithful service, who certainly would not abuse any discretionary power given him.

Mr. SMOOT. I have known the gentleman referred to almost as many years as has the Senator from Wisconsin. I know that what the Senator says about him is absolutely true. I say again, however, that the only reason why I brought it to the attention of the Senate is that I do not want the abuse to go up again in the Senate.

Mr. LA FOLLETTE. I agree with everything the Senator has said. I have been entirely sympathetic with his efforts to secure the enactment of legislation which would afford adequate unemployment statistics. Now we have finally succeeded in passing one of the three bills sponsored by the Senator from New York [Mr. WAGNER], and again it is the much-abused Senate which has to come forward and on its own initiative provide the money so we can have accurate information concerning unemployment in the country.

Mr. WAGNER. Mr. President, may I say for Mr. Ethelbert Stewart, who will have charge of this work, that if we searched the whole United States we could not get a more competent official.

Mr. SMOOT. Yes; for this particular work, I agree with the Senator.

Mr. DAVIS. Mr. President, I want to add to what the Senator from New York has said that during nearly 10 years while I was Secretary of Labor not a trade organization, a manufacturers' organization, or any organization of that kind refused to take Mr. Stewart's statistics in the matter of adjusting wages.

Mr. JONES. Mr. President, I merely want to say to the Senator from New York that I assume the amendment is in order because it is authorized by existing law. Furthermore, it is the usual custom to specify in appropriations of this kind the amount of money that shall be used in the District of Columbia. That point I think we can take care of in conference, however. We will probably get the advice of the department as to how much money they will need in the District of Columbia.

Mr. WAGNER. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. BARKLEY. I desire to inquire of the Senator from Washington if he proposes to finish this bill to-night?

Mr. JONES. I desire to do so.

Mr. BARKLEY. I offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 24, after line 10, it is proposed to insert a new paragraph, as follows:

> There is hereby appropriated to the Treasury Department for the Public Health Service for the fiscal year ending June 30, 1931, any unexpended balance of which shall be available for the fiscal year ending June 30, 1932, for cooperation with State health departments in rural sanitation, including medicines, biological products, personal and medical services, the sum of $3,000,000.

Mr. BARKLEY. Mr. President——

Mr. JONES. I think I will have to make a point of order against the amendment.

Mr. BARKLEY. It is not subject to a point of order, and if the Senator will permit me, I will explain why. This amendment is based upon a bill which was introduced on the 18th of December by the Senator from Arkansas [Mr. ROBINSON]. The Committee on Agriculture and Forestry this morning, after a hearing which was participated in by State health officers and by officers of the Public Health Service, reported unanimously an authorization of this amount in the bill introduced by the Senator from Arkansas.

Mr. JONES. But the bill has not passed the Senate.

Mr. BARKLEY. No; it has not passed the Senate; but it is not subject to a point of order.

Mr. JONES. I think it is, if the bill has not passed the Senate. If the bill had passed the Senate, the amendment would be in order.

Mr. BARKLEY. If the authorization has been reported favorably by a standing committee of the Senate, under the rules it is in order.

Mr. JONES. I think the Senator is mistaken about that. The proposed legislation affecting the item has not as yet been passed. If the legislation had passed at this session, then the amendment would be in order.

Mr. BARKLEY. I think the Senator is mistaken.

Mr. JONES. I make the point of order against the amendment, Mr. President.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BARKLEY. Mr. President, is the Chair certain that he is right in his ruling? I do not mean to impugn it in any way; but I offered this amendment after consulting the parliamentary clerk, who assured me that it was in order.

The PRESIDENT pro tempore. This item has not been reported by a standing committee of the Senate, has it?

Mr. BARKLEY. Yes, it has; it has been reported by a unanimous vote of the committee this morning.

The PRESIDENT pro tempore. Is it on the calendar?

Mr. BARKLEY. It is not on the calendar.

The PRESIDENT pro tempore. Has the report been presented?

Mr. SMITH. Mr. President, the report has been presented. I reported this bill containing this identical item from the Committee on Agriculture this morning.

The PRESIDENT pro tempore. Then, the report is on the calendar.

Mr. SMITH. I reported it for the calendar.

Mr. BARKLEY. It has been reported but has not as yet been printed on the calendar.

The PRESIDENT pro tempore. It having been passed upon by a standing committee of the Senate, the Chair holds it to be in order.

Mr. JONES. I want to ask what was passed upon by a standing committee of the Senate?

The PRESIDENT pro tempore. The item of $3,000,000, according to the statement made by the parliamentary clerk to the Chair.

Mr. JONES. Was it passed upon by the committee as an amendment intended to be proposed to the appropriation bill or as a legislative act? If it has been passed upon as a legislative act, as a proposed independent law, I know of no rule under which it comes unless it has passed the Senate during this session. There is a rule of the Senate with reference to amendments proposed and reported by standing committees. I do not know whether this item has been reported in the form of an amendment or not.

Mr. McKELLAR. Mr. President, let me call the attention of the Senator to Rule XVI, from which I quote as follows:

> Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

Mr. JONES. This is an amendment, as I understand, while it is a legislative act which has been reported from the committee.

The PRESIDENT pro tempore. The Chair's understanding of the statement made by the Senator from Kentucky is that a standing committee of the Senate, to wit, the Committee on Agriculture and Forestry, has authorized the presentation of this item. The Chair will seek information from the chairman of the committee on the subject.

Mr. McNARY. Mr. President, I was not present in the committee at the time action was taken, but I am familiar with the situation. A bill covering the item was introduced and referred to the Committee on Agriculture and Forestry. That bill was acted upon favorably this morning and reported by the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. Was the Senator from Kentucky authorized by a standing committee to present it as an amendment to the pending measure?

Mr. McNARY. I will have to refer that question to the Senator from West Virginia [Mr. HATFIELD], who was in charge of the committee in the absence of the regular chairman.

Mr. SMITH. Mr. President, what was the inquiry propounded by the Chair of the Senator from Oregon?

The PRESIDENT pro tempore. The Chair was endeavoring to ascertain from the chairman of the committee exactly what took place in the committee.

Mr. McNARY. I feel quite certain that there was no authorization given to any member of the committee to offer the item as an amendment, but there was authorization simply to report the bill, and the Senator from South Carolina was authorized to report it favorably.

Mr. SMITH. That is what occurred.

Mr. HATFIELD. That is true, Mr. President.

Mr. SMITH. It was reported in regular order as a bill to be placed on the calendar.

Mr. COPELAND. Mr. President, if this is a border line case, I think we should err on the side of humanity. I know nothing about the conference that was held, but if

the Senator from Kentucky has stated the situation accurately, as I have no doubt he has, there was a conference participated in by officers of the United States Public Health Service and health officers from various communities and States. Is that correct?

Mr. BARKLEY. Yes; there was a hearing before the Committee on Agriculture on the bill introduced by the Senator from Arkansas [Mr. ROBINSON]. That hearing was participated in by Doctor Cummins, Surgeon General, and Doctor Draper, Assistant Surgeon General, of the Public Health Service and by State health officers. The committee authorized the bill to be reported.

In frankness I will say that specific authority was not given to me by the committee to offer this item as an amendment, but I have consulted with the chairman of the committee, the Senator from Oregon, and with the Senator from West Virginia, who was in the chair at the time the committee acted, and other members of the Committee on Agriculture and Forestry, and they have expressed no objection to the offering of this as an amendment to the pending bill. The conditions are very emergent, and if the Senate had heard the testimony given to the Committee on Agriculture this morning, there is no sort of question but that this amendment would be agreed to.

The PRESIDENT pro tempore. The Senator from Kentucky is now speaking to the merits of the amendment. Under the first paragraph of Rule XVI, the Chair, while agreeing with what the Senator from New York has stated that it is a border-line case, is of the opinion that the point of order must be sustained under the exact language of the rule.

Mr. CARAWAY. Mr. President, if the Senator from Washington will yield to me for just a moment, I should like to say that I sincerely hope in this particular case the Senator will not object. I want to add that an epidemic of pellagra and typhoid fever is already breaking out in the drought-affected areas. Pellagra has increased in the State of Kentucky 300 per cent. The State boards of health of one or two of the States personally, and the health officers of many others by letter, sought to impress upon the committee that unless action was taken immediately there was a great disaster in front of the people. I sincerely hope that the Senator will not urge the objection.

Mr. JONES. Mr. President, under the conditions set out by the Senator from Arkansas and the Senator from Kentucky, and in view of the fact that the Committee on Agriculture and Forestry reported favorably a bill on this subject this morning, I feel disposed, under the peculiar circumstances, to withhold the point of order and do the very best that can be done in conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHORTRIDGE. Mr. President, I offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 19, after line 4, it is proposed to insert the following:

Alterations and repairs to the U. S. S. *Henry County:* For alterations and repairs to the U. S. S. *Henry County*, $125,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JONES. Mr. President, I do not understand what is the object of the amendment.

Mr. SHORTRIDGE. A steamship belonging to the United States was at Norfolk——

Mr. JONES. Oh, it relates to a steamship.

Mr. SHORTRIDGE. Yes. The State of California contributed $25,000 to the Navy Department to send the vessel round to where it now is at Mare Island. The proposition now is to put it into shape as a training ship. I was given to understand that it was estimated for by the Budget. I understand the amendment I suggest is proper at this time.

Mr. JONES. When did the Budget submit an estimate regarding it? I thought that it was not covered by a Budget estimate.

Mr. SMOOT. I never heard of it.

Mr. SHORTRIDGE. It may be the Senator from Utah never heard of it, but I have called it to the attention of various Senators several times. In a letter from the Bureau of Construction and Repair of the Navy Department dated December 27, 1930——

Mr. SMOOT. Addressed to whom?

Mr. SHORTRIDGE. Addressed to me. It is stated that the funds for this work were included in the Budget for 1932, but were not allowed—that is to say, they have not been allowed in the bill which is now before us—as I understand.

Mr. JONES. I understand that the department submitted the estimate to the Budget Bureau, but the Budget Bureau would not send it down here in its estimates.

Mr. SHORTRIDGE. I received further information that it had been included, though I may be in error as to that.

Mr. JONES. Mr. President——

Mr. SHORTRIDGE. Moreover, if the Senator will permit me—and then I will be glad to be advised—I repeat that the State of California furnished the Government some $25,000 to make certain repairs, sending this ship to California, and toward the cost of reconditioning it for use as a training ship. That money, I repeat, was devoted to certain preliminary repairs and to sending the vessel from the Norfolk Navy Yard around to Mare Island, where it now is.

Mr. SMOOT. Why did California advance that money?

Mr. SHORTRIDGE. Because it was considered upon all hands that it was highly desirable to have this vessel put into shape as a training vessel for the purpose of training future seamen for the American merchant marine and the American Navy.

Mr. WATSON. Is the ship now at Mare Island Navy Yard?

Mr. SHORTRIDGE. It is now at the Mare Island Navy Yard.

It may be, Senators, that this amendment of mine is open to a point of order. I have heard it stated by some that it was at this time proper to offer it, while others have told me that it was subject to a point of order. I have sat here this afternoon and very gladly refrained from raising points of order because of the meritorious features of proposed amendments. Now I submit to those who do me the honor to listen that this is a meritorious amendment. The smiling approval of Senators here would seem to indicate that it is. In order to make an end of the matter, and not to delay the Senate, I hope that no point of order will be raised. If the amendment should go into conference, and gentlemen upon further study think it is not proper, they will so rule, and I shall be obliged then to trouble the Senate again when the next deficiency bill or the regular naval appropriation bill comes before us, or to delay the Senate in urging an independent bill. Of course, if an independent bill authorizing this appropriation is necessary and no such bill is passed, this suggested appropriation would fall and the Government suffer no loss.

Mr. JONES. The Senator, I think, could well present the amendment in connection with the regular naval appropriation bill. I do not think it ought to go in a bill of this kind. So I feel constrained to make the point of order.

The PRESIDENT pro tempore. The point of order is sustained. The bill is still before the Senate and is open to amendment. If there are no further amendments, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY. Mr. President, I ask unanimous consent for the present consideration of the Agricultural Department appropriation bill for 1932.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 15256) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. McNARY. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that it be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ARTICLE BY JOSEPH CONRAD FEHR ON DUAL CITIZENSHIP

Mr. KING. Mr. President, there appeared in Current History for December, 1930, a most excellent article by Joseph Conrad Fehr, an international lawyer of high standing living in Washington, dealing with the question of dual citizenship as an international problem. The question discussed is a live one, because a number of countries insist that American citizens of foreign birth, or whose parents were of foreign birth, are subject to military service in such countries. The result is that American citizens are constantly annoyed by these claims, and some of them refrain from traveling abroad because of difficulties which they might there encounter. I am sure the article will prove instructive to all who are interested in this matter, and I ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Current History for December, 1930]

DUAL CITIZENSHIP AN INTERNATIONAL PROBLEM

By Joseph Conrad Fehr, international lawyer

The fact that under Swiss law President Hoover is still Swiss and technically subject to military service in Switzerland just because his original ancestor, a man then going by the name of Huber, came to this country from Switzerland more than a hundred years ago, illustrates how serious as well as absurd the doctrine of dual nationality can be.

The annoyances to United States citizens resulting from dual nationality have become so obnoxious that Congress on May 28, 1928, passed a joint resolution requesting the President to negotiate with nations not yet parties to naturalization treaties with this country in order to protect American citizens from forced military or naval service when temporarily sojourning in the countries of their own or their parents' origin. The chief aim of this resolution is world-wide recognition of an individual's right to voluntary expatriation from his native land and subsequent naturalization as a citizen or subject of another country, and of the immunity of persons born in the United States of parents having the nationality of another country from liability for military and other services in the latter.

By way of reaction the Italian Government announced that henceforth her sons who are now citizens of other countries are free to visit in Italy in time of peace with exemption from military service. Heretofore Italy was perhaps the most obstinate of all the nations in declining to enter into naturalization treaties with the United States, because under Italian law subjects of Italy remain liable for military service in Italy even though naturalized abroad. France, Switzerland, Russia, and Turkey are only a few of the other countries which regard a native-born American citizen as a subject of their own countries because of his father's original allegiance. As long as the United States makes the same claim concerning children born abroad of American parents it is a foregone conclusion that the Department of State and Congress will have to make some concessions in order to obtain the desired result.

While native-born or naturalized American citizens stay out of countries where they or their parents were born and owed original allegiance, they are given the full protection which the United States accords to all its citizens. Complications arise, however, when these American citizens enter the countries of their own or their fathers' birth. During the World War there were thousands of former Italians, Frenchmen, and Russians who, though naturalized American citizens, were called to the colors by their native land, and the United States was practically helpless to prevent their impressment into such military service. In time of war such chaotic conditions are, of course, excusable. But when, in time of peace, these foreign nations assess military taxes against their former citizens or subjects and seek to collect them in the countries of their adoption, it is high time that steps be taken to remedy matters. Switzerland, for instance, has attached to her legation in Washington a tax collector specially commissioned by his Government to collect military taxes not alone from Swiss citizens temporarily residing in the United States but from naturalized Swiss-born American citizens as well. All together there are 13 nations that make essentially the same astonishing claims as Switzerland. Although the United States is by far the greatest sufferer on account of the dual nationality doctrine, the Department of State has been in a difficult position with regard to the matter; first, because of the lack of a naturalization treaty with Switzerland, and, second, because of the lack of a satisfactory agreement among nations concerning the status and obligations of persons born in one country of parents having the nationality of another.

The United States already has naturalization treaties with Austria, Belgium, Bulgaria, Denmark, Great Britain, Czechoslovakia, Norway, Portugal, Sweden, and a number of countries in the Western Hemisphere. Under these treaties the parties recognize that when one of their natives becomes a citizen of the United States he thereby expatriates himself as a citizen or subject of the country of his birth, and vice versa. But no treaties have as yet been concluded with France, Greece, Italy, Yugoslavia, Latvia, Netherlands, Poland, Persia, Rumania, Russia, Spain, Switzerland, and Turkey. Meanwhile more than 100,000 former Frenchmen, about 100,000 former Greek subjects, nearly 1,000,000 former Italian subjects, approximately 100,000 former citizens of what is now Yugoslavia, about 10,000 former citizens of Latvia and Turkey, about 100,000 former subjects of the Netherlands, about 500,000 former citizens of Poland, more than 50,000 former subjects of Rumania, about 1,000,000 erstwhile subjects of Russia, about 10,000 former subjects of Spain, approximately 100,000 former citizens of the various cantonal governments of the Swiss Federation, and about 4,000 former citizens of the present Turkish Republic are claimed as citizens by two countries. That is to say, there are now in this country in the neighborhood of 3,000,000 fully naturalized American citizens whose allegiance is also claimed by the countries in which they were born. These figures are exclusive of the countless Americans born in the United States of parents who owe allegiance to foreign countries. These native-born Americans are faced with dual nationality, even when their fathers have become American citizens by naturalization.

An interesting case illustrative of dual nationality complications was recently decided by the late Judge Edwin B. Parker, sole commissioner of the Tripartite Claims Commission between the United States and Austria and Hungary. The claimant was born in the United States of Austrian parents who took him back to Austria while still a child. Upon the outbreak of the World War he was subjected to suffering and privation through internment and then impressed into the military service of Austria-Hungary. Under the laws of the United States he was obviously an American national by birth, but under the laws of Austria he was an Austrian by reason of the nationality of his parents. The evidence showed that while residing within the Austro-Hungarian Empire in August, 1914, he was subjected to preventive arrest as a propagandist in favor of Russia and later interned and forced to take the oath of allegiance to the Emperor of Austria and King of Hungary, the authorities ignoring his protestations of American citizenship. In 1915 and subsequently representatives of the United States Government in Austria endeavored unsuccessfully to secure the claimant's release. In July, 1916, he deserted from the Austrian Army and escaped into Russia, where he was held as a prisoner of war until the outbreak of the Kerensky revolution. On the strength of these facts the commissioner ruled that under the law of Austria, to which he had voluntarily subjected himself, he was an Austrian citizen and that "the Austro-Hungarian authorities were will within their rights in dealing with him as such."

The United States is also a party to the Pan American convention of 1906 which undertook to fix the status of naturalized citizens who again take up their residence in the country of their origin. This convention is adhered to by Ecuador, Paraguay, Colombia, Honduras, Panama, Peru, Salvador, Costa Rica, Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, Brazil, and Chile. Many citizenship complications characteristic of our relations with European nations have been avoided through this convention. Its provisions are similar in substance to those of the naturalization treaties.

The United States is, furthermore, entitled to the advantage of the provision contained in the treaties of Versailles, St. Germain, and Trianon, which put an end to the World War and guaranteed the recognition by Germany, Austria, and Hungary of the naturalization of their former nationals in other countries. In view of the fact that France, Italy, and Switzerland are the countries which afford the principal complaints with respect to forced military service and military taxes, to the great annoyance of American citizens of Italian, French, or Swiss origin, no real progress can be made until these countries are willing to adopt the policy which the United States and Great Britain have long since accepted in principle.

The World War served to demonstrate in wholesale fashion the many diverse nationality absurdities by reason of the dual nationality doctrine. Obviously it is unsound to draw a line of distinction between native-born citizens, on the one hand, and naturalized citizens on the other, and for a government to grant certain rights and privileges to the one class of citizens and not to the other. Nevertheless, the international conference of lawyers which met at The Hague last March under the auspices of the League of Nations failed to reach an agreement satisfactory to the United States concerning termination of dual nationality, and the status of naturalized citizens, in spite of the strong pleas put forward by the United States representatives. However, the conference adopted a special convention under which persons born with the nationality of two countries shall, while residing in one of them, be exempt from the performance of military service in the other. It is believed that this convention, the adoption of which was due largely to the arguments of the United States

delegates in the nationality committees, if signed by the United States would benefit thousands of persons born in the United States and continuing to reside in this country.

RECESS

Mr. McNARY. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 31 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 23, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate January 22 (legislative day of January 21), 1931

REGISTER OF THE LAND OFFICE

David Burrell, of Idaho, to be register of the land office at Blackfoot, Idaho, vice Peter G. Johnston, deceased.

PROMOTIONS IN THE ARMY

To be captains

First Lieut. Muir Stephen Fairchild, Air Corps, from January 15, 1931.

First Lieut. James Gradon Taylor, Air Corps, from January 19, 1931.

To be first lieutenants

Second Lieut. Nicholas Joseph Robinson, Infantry, from January 15, 1931.

Second Lieut. John Murphy Willems, Field Artillery, from January 19, 1931.

MEDICAL CORPS

To be major

Capt. Charles Francis Shook, Medical Corps, from January 17, 1931.

CHAPLAIN

To be chaplain with the rank of major

Chaplain Julius Joseph Babst, from January 19, 1931.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 22 (legislative day of January 21), 1931

CONSULS GENERAL

Lucien Memminger to be consul general.

Willys R. Peck to be consul general.

VICE CONSUL OF CAREER

Shiras Morris, jr., to be vice consul of career.

C. Burke Elbrick to be vice consul of career.

SECRETARIES IN THE DIPLOMATIC SERVICE

Burton Y. Berry to be secretary in the Diplomatic Service.

C. Burke Elbrick to be secretary in the Diplomatic Service.

Warren H. Kelchner to be secretary in the Diplomatic Service.

Shiras Morris, jr., to be secretary in the Diplomatic Service.

Maurice L. Stafford to be secretary in the Diplomatic Service.

George P. Waller to be secretary in the Diplomatic Service.

FOREIGN SERVICE OFFICER, UNCLASSIFIED

Shiras Morris, jr., to be Foreign Service officer, unclassified.

C. Burke Elbrick to be Foreign Service officer, unclassified.

COMMISSIONER OF IMMIGRATION

Luther Weedin to be commissioner of immigration, port of Seattle, Wash.

COAST GUARD

John S. Merriman, jr., to be lieutenant (temporary).

UNITED STATES CIRCUIT JUDGES

J. Whitaker Thompson to be United States circuit judge, third circuit.

William H. Sawtelle to be United States circuit judge, ninth circuit.

JUDGE UNITED STATES CUSTOMS COURT

David H. Kincheloe to be judge United States Customs Court.

UNITED STATES ATTORNEY

Frank Martinez to be United States attorney, district of Porto Rico.

UNITED STATES MARSHAL

Herbert E. L. Toombs to be United States marshal southern district of Texas.

REGISTERS OF THE LAND OFFICE

Albert G. Stubblefield to be register of the land office, Pueblo, Colo.

William Ashley to be register of the land office, Coeur d'Alene, Idaho.

APPOINTMENTS IN THE ARMY

GENERAL OFFICERS

Brice Pursell Disque to be brigadier general, reserve.

Hugh Samuel Johnson to be brigadier general, reserve.

MEDICAL CORPS

To be first lieutenants

Harold Hanson Twitchell.
Kenneth George Gould.
Richard Love Daniel.
Thomas James Hartford.
Paul Herbert Martin.
Saunders Murray.
William Henry Christian, jr.
Otto Leonard Churney.
Henry Clay Chenault.

TRANSFER IN THE ARMY

Lieut. Col. Sherman Miles to field artillery.

PROMOTIONS IN THE ARMY

Richard Wilde Walker to be colonel, Cavalry.

Carl Carlton Jones to be colonel, Quartermaster Corps.

William Ducachet Geary to be lieutenant colonel, Field Artillery.

Emil Pehr Pierson to be lieutenant colonel, Cavalry.

Robert Graham Forsythe to be major, Signal Corps.

Orsen Everett Paxton to be major, Infantry.

George Washington Polk, jr., to be captain, Air Corps.

Francis Herron Jack, jr., to be captain, Infantry.

Devereux Maitland Myers to be captain, Air Corps.

Alfred Warrington Marriner to be captain, Air Corps.

Guy Harrison Gale to be captain, Air Corps.

Meredith Cornwell Noble to be first lieutenant, Infantry.

George Henry McManus, jr., to be first lieutenant, Field Artillery.

Leo Francis Kengla, jr., to be first lieutenant, Infantry.

Robert Emmett Burns to be first lieutenant, Signal Corps.

John Amos Hall to be first lieutenant, Infantry.

Donald Janser Bailey to be first lieutenant, Coast Artillery Corps.

Clarence Constantin Olson to be major, Dental Corps.

PROMOTIONS IN THE NAVY

George L. Weyler to be commander.

William H. Hartt, jr., to be lieutenant commander.

Junius L. Cotten to be lieutenant commander.

Christopher C. Miller to be lieutenant commander.

Richard W. Ruble to be lieutenant.

Charles F. Coe to be lieutenant.

Aaron P. Storrs, 3d, to be lieutenant.

Charles J. Zondorak to be lieutenant (junior grade).

Frederick C. Marggraff, jr., to be lieutenant (junior grade).

Milton A. Nation to be lieutenant (junior grade).

Marshall L. Smith to be lieutenant (junior grade).

James J. McKinstry to be assistant paymaster.

Harold P. Richards to be assistant paymaster.

Theodore S. Dukeshire to be assistant paymaster.

Albert B. Corby to be assistant paymaster.

Carl Allen to be chief boatswain.

John L. Hunter to be chief boatswain.

William F. Lewis to be chief boatswain.

Clarence L. Foushee to be chief boatswain.

John F. King to be chief boatswain.

William L. Hickey to be chief boatswain.

John D. Cross to be chief boatswain.

George F. Little to be chief electrician.

Albert J. Smith to be chief radio electrician.

Edwin Hanna to be chief radio electrician.

POSTMASTERS

ALABAMA

Lillie C. Hays, Abbeville.
Margaret E. Stephens, Attalla.
William L. Power, Blountsville.
John M. Stapleton, Foley.
Addie M. Cannon, Mount Vernon.
Thomas F. Adams, Ragland.
John R. Harris, Wadley.

ARKANSAS

William B. Owen, Alma.
Leon E. Tennyson, Arkadelphia.
Hiram S. Irwin, Clarendon.
James S. Burnett, Clinton.
Edgar H. Finch, Crossett.
Dennis M. Lee, Flippin.
Randolph M. Jordan, Fordyce.
William B. Pape, Fort Smith.
George H. Rule, jr., Lonoke.
Robert B. Cox, Prairie Grove.

ARIZONA

Burl A. Willmoth, Wickenburg.

CALIFORNIA

Charles A. Osborn, Atwater.
Alice McNamee, Castroville.
Edward J. Lewis, Compton.
George B. Tantau, Exeter.
Frederick Weik, Glendora.
Frank L. Powell, Lemoore.
Kathleen M. Fleming, Lincoln.
Charles K. Niblack, North Hollywood.
Carrie V. Stoute, Saratoga.
Jessica H. Wright, Sierra Madre.
Emma S. Gillum, Summerland.
Frederick W. Brinker, Temple City.
Grace P. Johnson, Windsor.

COLORADO

Agnes M. Ward, Bennett.
Gerald H. Denio, Eaton.
Frederick H. Leach, Idaho Springs.

CONNECTICUT

William J. Reel, Canaan.
Howard J. Stanclift, jr., New Hartford.
William G. Mock, New Milford.
Hervey W. Wheeler, Newtown.
W. Gardiner Davis, Pomfret Center.
Norman C. Kruer, Shelton.
George L. Benedict, Winsted.
Dorothy S. Phillips, Woodmont.

DELAWARE

Ebe H. Chandler, Dagsboro.

FLORIDA

Charles R. Lee, Clearwater.
Ninnian A. Little, Grand Island.
Herbert E. Ross, Jacksonville.
Mary E. Edwards, Lloyd.
Richard M. Hall, St. Petersburg.
Annie B. Locke, Titusville.
Thomas H. Milton, Trenton.
Benjamin F. Hargis, Umatilla.

GEORGIA

Edward B. Miller, Calhoun.

IDAHO

Louis W. Thrailkill, Boise.
Claude A. McPherson, Wilder.

ILLINOIS

Evelyn E. Weber, Amboy.
Benjamin F. Helfers, Arlington Heights.
Cleo Preston, Arrowsmith.
James H. Truesdale, Bunker Hill.
Merle C. Champion, Byron.
Hanson A. Garner, Chandlerville.
Howard N. Gillespie, Chenoa.
Thomas F. Olsen, De Kalb.
Philip W. Maxeiner, Dorchester.
Henry W. Schwartz, Dupo.
Harry S. Farmer, Farmer City.
Reuben A. Gumbel, Forest City.
Peter H. Conzet, Greenup.
Bertha Harvey, Griggsville.
Walter J. Holt, Hanna City.
Thomas H. Plemon, Jonesboro.
John A. Dausmann, Lebanon.
Mary G. Lawless, Loraine.
Milton G. Hartenbower, Lostant.
Walter W. Ward, Maroa.
Benjamin S. Price, Mount Morris.
John Lawrence, jr., O'Fallon.
Henry E. Farnam, Pawnee.
Robert H. Christen, Pecatonica.
Daisy A. Nieman, Philo.
Lucian D. Lyons, St. David.
Charles L. Tanner, Saunemin.
James W. Maddin, Sheldon.
Hazel M. Riber, South Pekin.
William F. Hemenway, Sycamore.

INDIANA

Charles O. Krise, Auburn.
John N. Wright, Edwardsport.
William A. Carson, Glenwood.
Hattie M. Craw, Jonesboro.
Garrett W. Gossard, Kempton.
Jesse E. Harvey, Markle.
Ralph W. Gaylor, Mishawaka.
Thomas J. Jackson, New Albany.
Earl O. Whitmire, Paoli.
Lee Herr, Tell City.
Orville B. Kilmer, Warsaw.

IOWA

Frank B. Moreland, Ackley.
William G. Wood, Albia.
Anna Reardon, Auburn.
Bertha Zadow, Blencoe.
Jesse A. Barnes, Brooklyn.
Henry C. Haynes, Centerville.
Blinn N. Smith, Coon Rapids.
Charles S. Lewis, Davenport.
John F. Schoof, Denver.
Otto W. Bierkamp, Durant.
Albert R. Kullmer, Dysart.
Benjamin S. Borwey, Eagle Grove.
George F. Monroe, Fairbank.
Charles A. Frisbee, Garner.
Carrie Andersen, Hancock.
Guy A. Whitney, Hubbard.
Smiley B. Hedges, Kellerton.
Albert Lille, Lake View.
George Banger, La Porte City.
Arvin C. Sands, Mallard.
Rush A. Culver, Manly.
Maurice E. Atkins, Milton.
Harry J. Perrin, Monroe.
Oscar J. Houstman, Olin.
Raymond S. Blair, Parkersburg.
Leslie H. Bell, Paullina.
Willis G. Smith, Rock Rapids.
August Rickert, Schleswig.
Baty K. Bradfield, Spirit Lake.
Linn L. Smith, Webb.

KANSAS

Frank H. Hanson, Haddam.
David W. Naill, Herington.
William R. Waring, Hope.
Austin Kimzey, Howard.
Gordon K. Logan, Kirwin.
Joseph A. Trudell, Morganville.

Winifred Hamilton, Solomon.
William A. Walt, Thayer.
Lee Mobley, Weir.
Nettie M. Cox, Wellington.

KENTUCKY

Carey C. Compton, Benham.
Gertrude Stuteville, Bonnieville.
David C. Hopper, Russell Springs.
Thomas H. Hickey, Williamsburg.

LOUISIANA

Howard G. Allen, Dubach.
Edward L. Mire, Laplace.
Edward J. Sowar, Norwood.
Leslie M. Hill, Pitkin.
Alexander E. Harding, Slidell.
Myrtle K. Abell, Welsh.

MAINE

Nellie B. Jordan, Cumberland Center.
Wilford E. Slater, Dexter.
Preston N. Burleigh, Houlton.
Cecil E. Sadler, Limerick.
Edward I. Waddell, Presque Isle.
Jessie E. Nottage, Solon.
Robert J. Dyer, Turner.
Harry M. Robinson, Warren.

MARYLAND

H. Vincent Flook, Boonsboro.
Elmer W. Sterling, Church Hill.
Walter W. Flanigan, Deer Park.
George M. Evans, Elkton.
Lawrence M. Taylor, Perryman.
Mary C. Worley, Riverdale.
Charles M. Jones, Rockville.
Howard J. Fehl, Smithsburg.
Ethel V. Van Fossen, Walkersville.
Henry J. Norris, Whiteford.

MASSACHUSETTS

John C. Angus, Andover.
Fred S. Black, Auburn.
Joseph E. Herrick, Beverly.
Lucius E. Estey, Brookfield.
John B. Rose, Chester.
Horace W. Collamore, East Bridgewater.
Charles E. Goodhue, Ipswich.
John H. Baker, Marlboro.
William Stockwell, Maynard.
Annie E. Cronin, North Wilmington.
Robert M. Lowe, Rockport.
Albert Pierce, Salem.
Merton Z. Woodward, Shelburne Falls.
Douglas H. Knowlton, South Hamilton.
Silas D. Reed, Taunton.
Elizabeth M. Pendergast, West Acton.
James F. Healy, Worcester.

MICHIGAN

Adam B. Greenawalt, Cassopolis.
Bert A. Dickerson, Constantine.
Henry Bristow, Flat Rock.
Henry F. Voelker, Ionia.
Etta R. DeMotte, Memphis.
Ira J. Stephens, Mendon.
Ida L. Sherman, Pullman.

MISSISSIPPI

Ella H. Byrd, Parchman.

MISSOURI

Melvin J. Kelley, Annapolis.
Jesse W. Brown, Crane.
William T. Thompson, Eugene.
Clarence Wehrle, Eureka.
Howard H. Morse, Excelsior Springs.
Edward W. Stiegemeyer, Gray Summit.
Arden R. Workman, Lockwood.
Lawrence L. Hahn, Marble Hill.
Frank A. Stiles, Rockport.
William H. Roster, St. James.
Emanuel S. Lawbaugh, St. Marys.

MONTANA

Edwin Grafton, Billings.
Robert H. Michaels, Miles City.
Ernest C. Robinson, Wyola.

NEBRASKA

Earl S. Murray, Bloomington.
William H. Willis, Bridgeport.
George T. Tunnicliff, Burwell.
Kathrene Patrick, Ericson.
Thomas Pierson, Overton.
Roscoe Buck, Springview.

NEW HAMPSHIRE

Lena K. Smith, Lancaster.

NEW JERSEY

Benjamin Elwell, Bridgeton.
Ada E. Holmes, Sayreville.

NEW YORK

George W. Unger, sr., Atlanta.
Wright B. Drumm, Chatham.
Wilbur S. Oles, Delhi.
John L. Mahalish, Hillburn.
William D. Walling, Hudson Falls.
John R. Baldwin, Livingston Manor.
Franklin H. Sheldon, Middleport.
Scott E. Gage, Morris.
Raymond M. Darling, Northport.
Charles W. Nash, Point O'Woods.
William Sanford, Savona.
George F. Hendricks, Sodus.
George Anderson, Thornwood.
Clarence R. Stone, Valley Cottage.
Arthur F. Crandall, Wappingers Falls.
Gertrude M. Ackert, West Park.

NORTH CAROLINA

George M. Baker, Bakersville.
Riley W. King, Candler.
James E. Correll, China Grove.
Walter G. Petree, Danbury.
Mrs. Ezra Wyatt, Hobgood.
Otis P. Brower, Liberty.
Nollie M. Patton, Morganton.
Roy F. Shupp, New Bern.
John L. Dixon, Oriental.
Sion D. Johnson, Pittsboro.
Blanche S. Wilson, Warsaw.
David Smith, Whiteville.

NORTH DAKOTA

Frank W. Lovestrom, Adams.
Ollie M. Burgum, Arthur.
Maude I. Burbeck, Cathay.
Ben Amundson, Coleharbor.
August M. Bruschwein, Driscoll.
Harry M. Pippin, Halliday.
David J. Holt, La Moure.
George T. Elliott, Leonard.
John V. Kuhn, Richardton.
Grace M. Anderson, Selfridge.
Minnie Alexander, Sherwood.

OHIO

Annie Turvey, Amsterdam.
Fern G. Chase, Archbold.
Mabel T. Hunter, Avon Lake.
Herbert Newhard, sr., Carey.
Howard B. Kurtz, Conneaut.
Maude H. Scott, Newcomerstown.
John W. Mathias, New Philadelphia.
Arthur G. Williams, Perrysburg.

OKLAHOMA

William J. Pattison, Collinsville.
Harold W. Amis, Covington.
Lloyd D. Truitt, Helena.
Nellie E. Vincent, Mutual.
Ulysses S. Curry, Newkirk.
Warden F. Rollins, Noble.
William H. McKinley, Pondcreek.
Nora R. Dennis, Sperry.
Thomas B. Fessenger, Wynne Wood.

OREGON

Adam H. Knight, Canby.
Annie S. Clifford, Molalla.

PENNSYLVANIA

Arthur J. Argall, Braddock.
Thomas E. Sheridan, Curwensville.
Samuel B. Daniels, Emlenton.
Isaac W. Edgar, Glenshaw.
Kenneth B. Barnes, Harrisville.
Aleda U. Shumaker, Jerome.
Irvin Y. Baringer, Perkasie.
Ralph P. Holloway, Pottstown.
Henry X. Daugherty, Red Hill.
Ade F. Nichols, Shinglehouse.
Arthur E. Foster, Thompson.
Joseph C. Scowden, Tionesta.
John F. Hawbaker, West Fairview.
George F. Eisenhower, West Lawn.

SOUTH CAROLINA

Walter T. Barron, Fort Mill.
Horace M. Watkins, Ridge Spring.

TENNESSEE

Everett R. Doolittle, Madison.
Mattie S. Luther, Madisonville.
Robert O. Greene, Troy.

TEXAS

William A. Gatlin, Lakeview.
Jason J. Moy, Sourlake.
Hubert D. Boyd, Southland.
John B. Graham, Waxahachie.

UTAH

John E. Chadwick, American Fork.

VERMONT

Frank E. Howe, Bennington.
Lewis S. Richardson, Chester Depot.
Charles F. McKenna, Montpelier.
Orrin H. Jones, Wilmington.

WASHINGTON

Robin A. Runyan, Ariel.
Jesse R. Imus, Chehalis.
Edith M. Lindgren, Cosmopolis.
Mark L. Durrell, Deer Park.
Mabel M. Risedorph, Kent.
Edward Van Dyke, Lake Stevens.
Alfred Polson, Mount Vernon.
Frank S. Clem, Olympia.
William R. Cox, Pasco.
Charles E. Rathbun, Pomeroy.
Marion J. Rood, Richmond Highlands.
Robert E. Gordon, Silverdale.
Alla G. Thomas, Soap Lake.
Selina Laughlin, Vader.

WEST VIRGINIA

E. Chase Bare, Alderson.
Marye H. Cooper, Elbert.
Homer B. Lynch, Gormania.
Claude W. Harris, Kimball.
Harry R. Adams, Spencer.
Curtis K. Stem, Weirton.

WISCONSIN

William W. Winchester, Amery.
Peter E. Korb, Boyd.
Otto C. Nienas, Camp Douglas.
Grant E. Denison, Carrollsville.
Imogene Croghan, Cascade.
John A. Mathys, Casco.
Edwin H. Jost, Cleveland.
Clara M. Johnson, Ettrick.
Ferdinand A. Nierode, Grafton.
William Kotvis, Hillsboro.
Lewis M. Smith, Jefferson.
Gilbert J. Grell, Johnson Creek.
Roland Harpt, Mishicot.
Charles R. Roskie, Montello.
George W. Taft, Necedah.
Charles S. Brent, Oconomowoc.
Orris O. Smith, Pardeeville.
Henry F. Delles, Port Washington.
Elmer E. Haight, Poynette.
David R. Fryklund, Prentice.
Emil Klentz, Reeseville.
Cora L. Schultz, Rio.
Margaret E. Glassow, Schofield.
Otto A. Olson, Star Prairie.
Hilary L. Haessly, Theresa.
Hall L. Brooks, Tomahawk.
Oscar C. Wertheimer, Watertown.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 22 (legislative day of January 21), 1931

John S. Jennings to be postmaster at St. George in the State of South Carolina.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 22, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the Vine and the Wonder, keep us this day in the folds of peace and cooperation. Stimulate us with lofty thoughts that neither harsh tongue nor rash judgments shall prevail or disturb. The cloud of resentment, may it not darken our brows; the song of hate, may it not fall from our lips; the scrofula of unchastity, may it not nurse in our bosoms. Blessed Lord, take us and shield us, and if unworthy rebuke us; if our aims are low challenge them and spare us from the regretful way that ends in failure. When our own little earth breaks up, let the heavens open. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 14675. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5776. An act to provide for the advance planning and regulated construction of public works, for the stabilization of industry, and for aiding in the prevention of unemployment during periods of business depression; and

S. J. Res. 234. Joint resolution making applicable for the year 1931 the provisions of the act of Congress approved March 3, 1930, for relief to farmers in the flood and/or drought stricken areas.

REPEAL OF SURTAXES ON INTEREST DERIVED ON LIBERTY BONDS

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein a statement issued by the gentleman from Tennessee [Mr. HULL] January 21, 1931, on the matter of providing for the permanent repeal and abandonment of surtaxes on income derived from Liberty bonds.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing a statement issued by the gentleman from Tennessee [Mr. HULL]. Is there objection?

There was no objection.

The statement is as follows:

I was surprised to learn that the Committee on Ways and Means on yesterday voted to report favorably a House bill providing for the permanent repeal and abandonment of surtaxes on the interest derived from Liberty bonds. Due to a misunderstanding as to the day on which the committee was to meet, I was not present at yesterday's meeting. Without any hearing of any consequence it is proposed suddenly to uproot and repudiate our long established national policy of opposition to tax-exempt securities generally.

This sudden change of front comes at a stage when the States and municipalities have reached a point in making swollen expenditures through vast bond issues largely tax exempt, when there is a real opportunity for reexamination by the State and local governments of their patently unsound policy of issuing tax-free securities and a return to the wise and always sound policy of taxation of all securities and opposition generally to tax exemptions. A policy of issuing tax-exempt securities greatly encourages reckless and extravagant expenditures, and these result in repudiation or default of bonds and bonded interest on a large scale in times of protracted business distress and panic.

The leadership of the Federal Government was never more important in support of the doctrine of opposition to tax exemptions than at this time. The Federal officials set a fine example in the fight waged in 1922–23 in support of the policy of taxation of all Federal, State, and local securities. The soundest, most logical, and most conclusive reasons were then given in support of this time-honored doctrine. Upon what pretext can it now be carelessly abandoned by our same Federal spokesmen?

It was then asserted by Secretary Mellon in a letter to the chairman of the Senate Judiciary Committee on February 16, 1923, when he said that there could not be well obscured the main facts in the situation, viz, that the continued issues of tax exempt securities is building up a constantly growing mass of privately held property exempt from all taxation; that tax exemption in a democracy such as ours is repugnant to every constitutional principle, since it tends to create a class in the community which can not be reached for tax purposes and necessarily increases the burden of taxation on property and incomes that remain taxable; and that it is absolutely inconsistent with any system of graduated income surtaxes to provide at the same time securities which are fully exempt from all taxation, since the exemption will sooner or later defeat at least all the higher graduations and will always be worth far more to the wealthier taxpayers than to the small ones. The doctrine was further asserted by our Federal spokesmen in 1922–23, that tax-exempt securities must inevitably destroy the progressive income tax, and so forth.

No condition is plainer than that receivers of large incomes who are always seeking reduction of surtax rates are just as well pleased when failing in this they are able to secure tax-exempt securities in lieu of securities subject to surtax. It is identically the same, therefore, to a corresponding extent, if the Treasury were asking Congress further to reduce the surtax rate while leaving intact the surtax on Liberty bonds interest. This proposal, therefore, is an outright and overt challenge to the doctrine of progressive or graduated income taxation. The next move will be further to reduce surtaxes with the object of their gradual removal and the substitution of gross sales taxes, such as was attempted in 1921–22.

I would deal with tax-exempt securities of States by leaving to them, individually and collectively, the function of imposing a surtax corresponding to that on Federal bonds by means of a uniform surtax law enacted by all the States, as in the case of the present uniform negotiable instrument and similar State laws.

The National Industrial Conference Board published a book in 1925 showing that the full value of property exempt from taxation, both as to principal and income, had reached the stupendous figure of $55,500,000,000. I dare say that this amount, with governmental securities included, will to-day approach $75,000,000,000. The time undoubtedly has come when the reckless policy by governmental agencies of issuing mountains of tax-exempt securities, thereby creating a privileged class of persons, privileged solely because of the amount of money they possess, should come to a halt.

Neither this country nor any democratic country can afford to create a great idle and lazy class, living along on tax-exempt income. The mere fact that for the time being there might be a little margin of difference between the price at which the Federal Government can market its securities subject to surtax, compared with that at which tax-exempt State and local bonds are marketed, should readily be dismissed in the face of the broad and fundamental policy to the contrary. Both Federal and State tax rates and tax methods are constantly changing. The Federal income surtax rates have ranged from a maximum of 20 per cent to 65 per cent within the past 15 years. The States must soon reform most of their systems in order to make more equitable the outrageous general property tax methods. It would be calamitous and tragic just at the time when the States will probably be driven away from the policy of tax exemption of their securities in order to devise equitable systems of taxation according to the doctrine of ability to pay, for the Federal Government to lead a movement still further in the direction of wider and more permanent tax exemption.

ORDER OF BUSINESS

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes upon the prohibition question.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 15 minutes on the prohibition question. Is there objection?

Mr. OLIVER of Alabama. Mr. Speaker, reserving the right to object, we have an agreement with the gentlemen who are interested in the bill now before the House, carrying appropriations for the enforcement of the prohibition law, as to time to be devoted to the discussion of that subject. It seems to me that the gentleman ought not to take more time in the House at this time.

Mr. TILSON. Would the gentleman be willing to take the time after we get into the Committee of the Whole?

Mr. WILLIAM E. HULL. I am acting in accordance with the request of the committee.

Mr. OLIVER of Alabama. We have a tentative understanding that so much time will be allotted to the two sides for the discussion of this question, to be divided equally. I think all feel that we have been very liberal in this matter.

Mr. LINTHICUM. Mr. Speaker, I want to say that the gentleman from Illinois is not taking a part in any prohibition amendments or otherwise. He merely wants to bring out a few facts in respect to the liquor question.

Mr. TILSON. It is only a question of whether he should take the time now or wait for a couple of minutes until we can get into the Committee of the Whole.

Mr. RANKIN. Mr. Speaker, reserving the right to object, we have been trying to get some time here for the last few days to discuss veterans' legislation. I have been trying to get some time for the last week to discuss the measure now before the committee to pay off the adjusted-service certificates. I am not going to object to the gentleman's request, but I serve notice on the House now that if you are going to deny us the right to talk on veterans' legislation, and then yield for unlimited discussion on other matters, we may make ourselves heard.

Mr. SNELL. How many times has the gentleman discussed veterans' legislation during this session of Congress?

Mr. RANKIN. The gentleman from Mississippi has not been able to discuss this proposition at all except for about three minutes, and the gentleman from New York would know that if he had been here all the time.

Mr. SNELL. Oh, I have been here right along and have heard the legislation discussed almost every day since we have convened.

Mr. RANKIN. The gentleman may have done it, but I have my doubts, unless he heard things that I did not hear. The matter has been discussed every day. Besides that we are making an attempt now to get some hearings not only before the Veterans' Committee, but before the Ways and Means Committee, and I serve notice on the membership of the House that if you are going to take up time to discuss other matters, we are going to at least demand sufficient time to discuss this very material matter, in which the country is vitally interested.

Mr. HASTINGS. Permit me to suggest to the gentleman that this appropriation bill will be followed by the independent offices appropriation bill, which makes appropriation for the Veterans' Administration.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to know a little more about this arrangement.

Mr. UNDERHILL. Mr. Speaker, we are getting nowhere. I demand the regular order. I object to the request of the gentleman from Illinois.

The SPEAKER. Objection is heard.

SITTING OF COMMITTEE ON EXPENDITURES

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent that during the balance of this week the Committee on Expenditures be permited to sit during the afternoons, beginning to-morrow.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the Committee on Expenditures be permitted to sit during the sessions of the House to-morrow afternoon and during the rest of the afternoons of the week. Is there objection?

There was no objection.

DEPARTMENTS OF STATE AND JUSTICE AND THE JUDICIARY AND DEPARTMENTS OF COMMERCE AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16110) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16110, with Mr. RAMSEYER in the chair.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

For clerical assistance and traveling and office expenses, $3,660. Total, $11,060.

Mr. WILLIAM E. HULL. Mr. Chairman, I move to strike out the last word.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. WILLIAM E. HULL] may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

A FEASIBLE PLAN FOR THE SOLUTION OF THE PROHIBITION QUESTION

Mr. WILLIAM E. HULL. Mr. Chairman, the speech I am about to deliver was prepared a month and a half ago and it is an expression of my honest opinion of the prohibition question, based upon practical experience along this line. I am surprised to note how well it harmonizes with the report of the Wickersham commission.

The voters in the fall election of 1930 spoke in no uncertain terms against the eighteenth amendment and the Volstead law. In other words, prohibition, as it now exists in the United States, has been tried at the bar of public opinion and proven to be, in the minds of every thinking person, unenforceable. The time has come when the honor of the United States is at stake, and this law must be changed.

I do not intend to be prejudiced in my statement, either for the wet side or the dry side of this question, but to present true facts as near as I can determine them, so that the Congress may have the benefit of my experience and thought. I believe it my duty as an American citizen to be of service to the Congress and the people in regard to a law that is dragging the United States into a series of complications which, if it continues, may bring on a revolution in this country.

GOVERNMENT CONTROL

The prohibition law went into effect in the United States January 16, 1920. Previous to that time the manufacture of whiskies, spirits, gin, alcohol, and rum was conducted under the supervision of the United States Government. Beer and wine were manufactured in the same manner. So there was then a governmental control over all intoxicating liquors.

Since the prohibition law went into effect all of these agencies, which were law-abiding, have been dispensed with, and the process of distillation and brewing has been carried on surreptitiously by criminals and the worst element of citizenship that we have in these United States. It has been an easy matter for them to make a product that would intoxicate, to hide it away, to sell it without the Government's permission, and this has done much to corrupt and destroy the moral fiber of our citizens.

WHISKY

In analyzing the situation, before the prohibition law went into effect and as it is to-day, I am astonished at the actual figures that are produced by actuaries who have convinced me of their correctness.

In order to draw comparisons, I will take the actual figures of an average of all of the straight whiskies manufactured in a 4-year period which were the banner years of distilling. This average of straight whiskies amounts to 62,535,946 proof gallons per year. This does not include the manufacture of spirits and alcohol, and neither am I including them in my figures as of to-day. It seems easier to draw a comparison on the manufacture and consumption of 100-proof spirits or drinkable whisky.

In making up these figures, I take simply one product that the majority of the proof spirits are made from at the present time—corn sugar.

In 1919 there were manufactured 157,276,422 pounds of corn sugar, as against 896,986,000 pounds in 1929. There have been practically no new uses for corn sugar except a small amount in the rayon industry. Therefore, it is estimated that over 600,000,000 pounds of corn sugar were available for distillation, and this would produce at least 61,000,000 gallons of drinkable whisky. In addition to this, there can be no doubt but what large quantities of drinkable whisky have been made from corn, rye, beet sugar, molasses, potatoes, grain mash, and illegally diverted alcohol. So, gentlemen, you have here a production of whisky before prohibition on an average of 62,535,946 gallons a year, and here we have shown by indisputable figures an annual output of an equal amount of drinkable whisky made from one commodity under the Volstead law.

WINE

The Department of Agriculture shows by official figures that the wine-grape acreage of California increased from 97,000 acres in 1919 to 174,374 acres in 1926. These grapes were used exclusively to make wine and are not used for other purposes.

In addition to the wine-grape-growing industry in California, it was largely increased in all other parts of the country.

BEER

It seems impossible to find any accurate figures in regard to the amount of illicit beer sold in the United States, but the output must reach enormous figures, for it is common knowledge that the profit derived from the sale of beer is the basis of the bootleggers' prosperity. We do know that the State of Michigan collects great sums in taxes from the manufacture of malt and wort, which can be immediately transformed into beer, and the National Government is helpless to halt the business.

SMUGGLED LIQUOR

The Prohibition Bureau bases its statistics on smuggling of spirits on Canadian exports to the United States and the increase in the imports of liquors at West Indian and Central American ports. On this basis the Prohibition Bureau estimates the total amount of liquor smuggled into this country at about 5,000,000 gallons.

In 1914 the total amount of all imported spirits amounted to 4,000,000 gallons, and that was the largest amount ever imported into this country in any one year. However, estimates show there are now at least 20,000,000 gallons smuggled into the country as against 4,000,000. Consequently

prohibition has increased the use of imported liquors by five times the amount used during the years previous to the prohibition law.

DISCRIMINATION AGAINST THE FARMER

Under prohibition there has grown up an alcohol combine in this country controlled by the blackstrap molasses trust of London, England, a world-wide combination which makes the price on blackstrap throughout the world. Blackstrap has taken the place of corn for the manufacture of alcohol in the United States and has deprived the farmer of the sale of 40,000,000 bushels of corn per year, there being made to-day an equal amount of alcohol in 1929 as was made in 1914.

From all appearances there is an understanding between the Prohibition Administration and the distilleries manufacturing industrial alcohol from blackstrap, because permits have been universally refused to distillers who desired permits to manufacture alcohol from grain.

EIGHTEENTH AMENDMENT FAILS TO ACCOMPLISH PURPOSE

I believe that the figures that I have given are a fair comparison between the conditions that existed in the country before prohibition and conditions that now exist after prohibition has been in force for a 10-year period, and based on this showing there can be no other conclusion than that the eighteenth amendment has failed to accomplish the purpose for which it was enacted.

The Government of the United States is composed of a free people who have always been willing to follow and obey the reasonable dictates of the Government, but being a free people they have ever been quick to rebel against any invasion of their personal rights, and that may be the reason why a large number of our citizens throughout the country have violated the eighteenth amendment openly and without any feeling of shame or disgrace.

WHAT IS THE REMEDY?

Either the repeal of the eighteenth amendment or the enactment of an amendment to it which will provide that each of the 48 States shall have the sole right to have manufactured, under the supervision of the United States Government, liquors and beers; also the provision that the said States shall have the sole right to control the sale of such liquors and beer within their own borders, the Government having full control over the transportation of liquors from one State to another.

A FEASIBLE PLAN

If neither of these can be accomplished, then I propose the following feasible plan for the modification of the Volstead law: The enactment of a law authorizing the manufacture of beer under the supervision of the United States Government through a permit system by breweries designated by the Government, the alcoholic content of this beer not to exceed 3 per cent alcohol by weight, which is, in my opinion, not intoxicating. It would be the same as if you were to mix 97 gallons of water with 3 gallons of alcohol. This beer should be sold the same as near beer is sold to-day, without license or tax, it being understood that the rights of the several States to restrict the same, if they see fit, shall under no circumstances be interfered with. Light wine, running from 10 to 15 per cent, and hard liquors, known as whisky, rum, gin, and brandy, running from 80 to 100 per cent proof, to be sold under the medicinal clause of the present law through the druggist and through a permit system formulated so that the doctors, instead of writing a prescription, will be allowed to furnish permits to the patients for $1 for 1 pint of whisky for medicinal purposes. A clause should be written into the law authorizing the Government to let contracts to distillers on a basis of 10 cents a gallon net profit to the distiller for the manufacture of liquors.

By so doing a pint of 4-year-old high-grade Bourbon or rye whisky will not exceed an actual production cost, including the revenue tax, of 40 cents per pint. This whisky should be sold through the retail druggist at a price not to exceed 85 cents per pint.

By making these provisions in the law you will largely do away with illicit liquor and the temptation to adulterate medicinal whisky.

Take the profits out of the liquor business and more will be accomplished than by any other procedure.

Estimates have been made of the amount of hard liquor consumed in the United States in 1929 as equal to 200,000,000 gallons. There was withdrawn from concentration bonded warehouses for medicinal use during the fiscal year ending June 30, 1929, the small amount of 1,534,494 gallons, as shown by Government records. This would be only three-fourths of 1 per cent of the total amount consumed. As a matter of fact, the physicians and the druggists throughout the country have been so harassed and persecuted by the prohibition enforcement officers that many reputable physicians and druggists now refuse to handle medicinal whisky; besides the absurd regulation limiting the physician to 1 pint of whisky in every 10 days for each patient makes it futile to prescribe liquor in many cases.

All of this, together with the fact that there is so much red tape to untangle in order to get a pint of liquor for medicinal purposes, and the price so high, the average citizen is driven to the bootlegger for his supply, and the amount of medicinal liquor now supplied by the Government has been reduced to such a low point that this clause of the Volstead Act has become a farce.

If the United States Government determines upon a policy of making a fight on the illicit distribution of liquor in this country, it will be necessary to allow the manufacture of an equal amount of straight whiskies manufactured previous to prohibition, or 62,535,946 gallons. If you want to make a fight against the bootlegger, you have got to produce enough whisky with which to make the fight.

Let us use good common sense in dealing with this situation and consider it not as a wet-and-dry question but as a problem to cure the terrible condition of affairs existing in our country to-day, and immediately pass a law legalizing 3 per cent beer as nonintoxicating and authorize the Government to increase the manufacture of medicinal whisky to meet the requirements of the people. Anybody who has ever hoped for the success of prohibition should certainly indorse an honest measure aimed at making the law conform to the eighteenth amendment and at the same time benefit law enforcement as a whole as well as the possible enforcement of prohibition.

Mr. Chairman, for the first time in the history of this country, if not in the history of the world, crime has become a paying institution. The unenforceable prohibition law is responsible for a most vicious development in American community life, and if it is allowed to continue we will be under the combined domination of the bandit, the burglar, the bootlegger, the narcotic vender, and the racketeer. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the expenses of the settlement and adjustment of claims by the citizens of each country against the other under a convention concluded September 8, 1923, and of citizens of the United States against Mexico under a convention concluded September 10, 1923, between the United States and Mexico, including the expenses which, under the terms of the two conventions, are chargeable in part to the United States, the expenses of the two commissions, and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of the claims and the presenting thereof before the said commissions, as well as defending the United States in cases presented under the general convention by Mexico, including salaries of an agent and necessary counsel and other assistants and employees and rent in the District of Columbia and elsewhere, law books and books of reference, printing and binding, contingent expenses, contract stenographic reporting services, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), the employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, traveling expenses and subsistence or per diem in lieu of subsistence notwithstanding the provisions of any other act, and such other expenses in the United States and elsewhere as the President may deem proper, $367,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last amount.

I wish to propound two inquiries to the chairman of the committee.

Just prior to this paragraph in last year's appropriation act there was carried a paragraph providing for the support of the Mixed Claims Commission between the United States and Germany and the Tripartite Commission between the United States and Austria-Hungary. I do not find any provision made for the support of either of those commissions in the present bill.

Mr. SHREVE. They have gone out of existence. There is no appropriation necessary.

Mr. STAFFORD. I was just reading the other day that Mr. Robert W. Bonynge some years ago, a former Representative in this House and now counsel for this commission, had filed an appeal on behalf of the commission as to two certain claims that had been rejected by the commission. I am wondering whether the work has really been completed?

Mr. SHREVE. The work is not provided for in this bill. It will be taken care of in the deficiency bill, if found necessary.

Mr. STAFFORD. Was there any representation made by the representative of the Department of State as to whether this work had been completed and there was no further need of appropriation.

Mr. SHREVE. It was so understood except some matters were pending for which we had no estimates and therefore recommended no appropriation. In due time they can come before the committee and ask for a deficiency appropriation.

Mr. STAFFORD. I wish to take this occasion to compliment those exceptional commissions in terminating their work. It is usually the history of these commissions that once created they run on like the waters of the brook, forever. They never complete their work.

Another occasion for my rising is to make inquiry as to the appropriation in the paragraph under consideration, that relating to the General Claims Commission between the United States and Mexico, for which $367,000 is appropriated. The other day when this bill was under consideration I had occasion to make reference to some similar work, under the impression that it was the work of this commission. A year ago I took occasion to call to the attention of the House how this large appropriation was being continued from year to year without any real accomplishment. I would like to have the gentleman in charge of this bill state what has been accomplished toward the settlement of these claims. Each year we are appropriating a large sum; $367,000 this year, $17,000 more than last year, and yet there is nothing to show real accomplishment of the desired end—of having these claims adjudicated and settled. Whose fault is it that there is no more progress made toward the adjudication of these claims between this country and Mexico?

Mr. SHREVE. The whole situation on the Rio Grande border is very complex. Our commission and the commission on the other side are now working in harmony, and they are making agreements all the time as to the elimination of certain problems. Of course, the Mexican works slowly. The Mexican does not do things just as quickly as we do, but I assure the gentleman that this commission is presided over by men who are doing the best they can under the circumstances. Of course, my friend understands there must be agreement on the Mexican side and there must be agreement on the American side, and then the two commissioners must get together and form an agreement, and then they go into the courts. They are down in the Mexican courts now trying these cases.

Mr. STAFFORD. Can the gentleman give any estimate as to when this work will really come to an end? We have been appropriating for years amounts in the neighborhood of $350,000 without any real accomplishment. It is better to appropriate that money for the payment of the claims——

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. STAFFORD] has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STAFFORD. I think it would be better to appropriate this sum of $367,000 for the payment of the claims rather than to keep on appropriating this amount for the expenses of a commission, as we have been doing for 10 years or more, without any real accomplishment.

Mr. SHREVE. If the gentleman will turn to page 294 of the hearings, he will find that Mr. Morgan goes into this in some detail. It is all in the book. If the gentleman will read it, I am sure he will be convinced that the commission is doing a splendid work at the present time.

Mr. STAFFORD. The gentleman is using strong language when he makes the assertion that I will be convinced that this commission is really doing some effective work.

Mr. SHREVE. Then I will modify my statement and say that I hope the gentleman will be convinced.

Mr. STAFFORD. I do not think there is much basis for that statement, in view of my acquaintance with its accomplishment in the past.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Convention relating to the liquor traffic in Africa: To meet the share of the United States in the expenses for the calendar year 1932 of the central international office created under article 7 of the convention of September 10, 1919, relating to the liquor traffic in Africa, $55.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last word. I notice, Mr. Chairman, that we are appropriating the large sum of $55 under article 7 of the convention of September 10, 1919, relating to the liquor traffic in Africa. In some of the other provisions we have passed an appropriation for the investigation of fisheries. We have passed another appropriation for the purpose of looking into the development of lobster pots. Now we are passing an appropriation of $55 to regulate the liquor traffic in Africa. Later on we will have an opportunity to consider another appropriation of a larger amount to regulate the liquor traffic.

In connection with this liquor question we have had a commission make a report within the last few days that no one appears to understand. While this was a commission of 11, I had in mind in connection with this African proposition that we appoint a commission of 13 to look into this African situation and also the domestic situation. Time not being the essence of the contract, they can proceed leisurely and make a report at some subsequent date, it to be provided, however, that the report be signed by an odd number of members of the commission and that there be at least an odd number of ways in which the report could be interpreted. Then after that commission has ceased to function another commission could follow it, which would be of an odd number but of a lesser number; say 11. Then after that commission had gone through some rigmarole and presented another report a new commission could be appointed of, say, 9, and so on until it got down to 1. Then after it reached 1 a new commission could start over again at 13 and work on in that way. So I think if we had these various commissions we could learn a little something about the liquor traffic in Africa and, in addition, also the condition of the liquor traffic in the United States.

I merely make this little interpolation at this time in order to call the attention of the committee to the fact that we are part and parcel of the operation of the liquor traffic in Africa to the extent of $55 a year.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. SCHAFER of Wisconsin. We are also cooperating with the League of Nations in connection with this liquor traffic in Africa.

Mr. BOYLAN. I do not understand that we are as yet in the League of Nations.

Mr. SCHAFER of Wisconsin. The hearings on this particular paragraph clearly indicate that we are participating, with the aid and assistance of several nations under the League of Nations' agreement.

Mr. BOYLAN. I think the gentleman is in error, because we are proceeding in this instance under a convention of the

central international office, whatever that is, created under article 7 of the convention of September 10, 1919. That may be another minor league, but it is not the main league.

Mr. SABATH. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. SABATH. Will the gentleman agree to a proviso in his resolution creating this commission to the effect that that commission could not be controlled, so that the commission would be permitted to make a report upon the evidence without being coerced into changing any report or conclusion they might reach?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOYLAN. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOYLAN. I would not have any objection to the suggestion made by the gentleman, but, as the Scotchman says, I have my "doots" as to whether the commissioners themselves understand what the report is all about. Of course, individually the members might know what their views are, but then when two of them would get together I do not think they could understand it.

The outstanding characteristic of all these commissions would be that they must disagree, because I am going to incorporate in my resolution that there must be at least 11 different ways in which you can interpret their conclusions, otherwise the commission would not act in conformity with the idea which will be the leading part of my resolution. Of course, the commission might agree on something, but, then, the Executive would disagree, as he has in this case. What I want is to have a commission appointed that will not agree on anything. It must be understood before they are appointed that they must agree to disagree, otherwise there will be no merit to the resolution. In other words, if the gentleman does not understand me, I would say that the purpose of the resolution is to befog the issue, because if the members of the commission do not understand their report how can the public understand it? If the gentleman can show me a way in which it could be clarified, I would be delighted to include that as a part of my resolution.

Mr. SABATH. Perhaps to appoint another commission which would try to evolve a plan which could be understood and which would be in agreement with the findings.

Mr. BOYLAN. I have provided that there be a series of commissions appointed.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last two words.

I think it would be rather appropriate, Mr. Chairman and members of the committee, to refer this particular convention relating to the liquor traffic in Africa to the "Wicked-and-Sham" commission. At least they would find, I am sure, that in Africa, benighted as it may be in spots, they at least do not put the bar sinister upon the medical profession. In this country we place the bar sinister upon the medical profession by saying to the physician or surgeon, "You shall not prescribe more than a certain amount to treat the ill over a particular period." In Africa, very likely, we find no such restriction even on the medicine men. But we treat the great medical profession here quite differently. We shamefully belittle our doctors. We tell them they can not be trusted.

The one bright spot, Mr. Chairman and members of the committee, of this "Wicked-and-Sham" report is that which says that the irritating restrictions placed upon the medical profession should now be removed, and to that end I have offered a resolution this morning taking away all restriction upon the medical profession in prescribing vinous, malt, or spirituous liquors as to quantity and period of prescription.

Just think of this, gentlemen: During the last fiscal year ended June 30, 1930, there was expended for prescriptions in this country over $35,000,000. In other words, the total number of prescription blanks used was 11,792,902. We can estimate that at least the doctors charged $3 for a prescription—very likely more—so that unnecessarily, we might say, in order to get good liquor, pure liquor, and not the vile, white mule, the people of this country were compelled to expend this vast sum of money.

Over 70,000 doctors use prescription blanks. Many of them are compulsorily debauched by law, compelled to violate the law. This spectacle should cease, and we know if we take the restrictions off of medicinal liquor the country will get better and purer liquor in this respect. The Department of Commerce and the Prohibition Unit say that approximately 1,150,000,000 pounds of corn sugar was used during the last fiscal year. Corn sugar is about 70 per cent pure of sugar content. Ten pounds of corn sugar produces 3½ gallons of what is known commercially as high-proof spirits. This is alcohol, 95 per cent pure, or 190 proof. One gallon of high-proof spirits equals 2 gallons of proof spirits. Ten pounds, therefore, produce 7 gallons of potable 100-proof whisky or white mule. Of 1,150,000,000 pounds of corn sugar produced in this country, only 150,000,000 pounds are for legitimate purposes; the rest, 1,000,000,000 pounds are for bootlegging. These billion pounds, without consideration of redistilled denatured alcohol, produce 140,000,000 gallons of proof potable white mule, greased lightning, rotgut, or whatever you might call it, and that vile liquor was poured down the throats of the Nation.

I say, take off these restrictions from the doctors, allow them to prescribe freely and without this great incubus upon their backs, and then the Nation will at least get purity in its liquor. Furthermore, take off the restrictions and the price of prescriptions will be reduced. That will increase the demand for good legitimate medicinal whisky. More medicinal whisky will be made. The price will be lower. Is it not better for the Nation to drink good medicinal whisky at a fair price than vile white mule at extortionate prices? I am sure that if this "Wicked-and-Sham" commission goes to Africa, it will find pure liquor in Africa among the aboriginal natives, something quite foreign to this country under the intolerable régime of prohibition.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. LAGUARDIA. I have two questions I would like to ask the gentleman. I trust the gentleman will state that the figures he read were taken from Mr. Woodcock's report.

Mr. CELLER. Partly; yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out lines 10 to 16, inclusive.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Page 28, strike out all of lines 10 to 16, inclusive.

Mr. SCHAFER of Wisconsin. Mr. Chairman and members of the committee, the testimony of the representative from the State Department appearing on page 244 of the hearings, reads as follows:

By a resolution adopted unanimously at its session of January 11, 1922, the Council of the League of Nations requested the Belgian Government to continue at Brussels the work undertaken by the former office for the repression of the slave trade, and so forth.

This testimony further indicates that by continuing this appropriation we have directly placed ourselves in full accord with the League of Nations, because this work of investigating the liquor traffic in Africa comes under a creation of the League of Nations.

The American people in the election of 1920 clearly indicated that they were unalterably opposed to the League of Nations. Why is it necessary for this Government to spend the taxpayers' money through an agency of the League of Nations to obtain information with reference to the liquor traffic way off in Africa?

Mr. SHREVE. Mr. Chairman, just a word to clear up the record so that the House may know what we have been

talking about. I want to call the attention of the House to the fact that the treaty was entered into between the United States, Belgium, the British Empire, France, Italy, Japan, and Portugal, and the preliminaries were as follows:

Whereas it is necessary to continue in the African territories placed under their administration the struggle against the dangers of alcoholism which they have maintained by subjecting spirits to constantly increasing duties.

Whereas, further, it is necessary to prohibit the importation of distilled beverages rendered more especially dangerous to the native populations by the nature of the products entering into their composition or by the opportunities which a low price gives for their extended use.

Whereas, finally, the restrictions placed on the importation of spirits would be of no effect unless the local manufacture of distilled beverages was at the same time strictly controlled.

This treaty was entered into by the people for the purpose of obtaining statistics regarding the amount of liquor manufactured—there is no question about the legality—but it is to protect the African in his own home.

Mr. SCHAFER of Wisconsin. What do they do with the statistics after they obtain them?

Mr. SHREVE. They send them to the archives in Washington.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment, and I ask to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed 10 minutes out of order. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, we have had from both sides of the aisle some of the prearranged wet speeches that have been promised for several days. This is just the beginning of the barrage that is to come later.

I want to call attention to the fact that, however foolish and wasteful the expenditure of this $500,000 on this Wickersham Commission may be, yet after all there is in this ridiculous report, here and there in its maze of generalities, a crumb of value for the people. But you have to pick them out here and there.

If any 11 Members of this House had been picked out to make a report on this question, whether the report was to be made within a month or 18 months from now, every Member of Congress would know just as soon as you picked them out what the substance of their report would be.

Why, we all know how the gentleman from Wisconsin, Mr. SCHAFER, would report. We all know how the gentleman from New York, Mr. BOYLAN, would report; and so with the gentleman from New York, Mr. CELLER; and Mr. SABATH, of Illinois. And we all know what the report would be from the gentleman from New York, Mr. LAGUARDIA.

We would all know what the dependable report would be from the gentleman from Ohio, Mr. JOHN G. COOPER, because we know how he stands; and such a procedure on the part of the President of the United States in expending $500,000 on this commission during the last 18 months, to my mind, is absolutely ridiculous, because we knew when the commission was appointed just about what kind of a mixture their report would be.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a minute. I want to call attention to something first. This commission and report are going to cause the expenditure of several other hundreds of thousands of dollars of the people's money before we get through discussing the matter. But, as I say, there is a crumb of value here and there. Let me call your attention to the conclusions signed by 10 out of the 11 members of the commission, and I would like for these gentlemen of the wet bloc to get consolation out of same if they can.

The first four conclusions reached by the Wickersham Commission, and signed by all of its members except Mr. Lemann, are as follows:

1. The commission is opposed to repeal of the eighteenth amendment.

2. The commission is opposed to the restoration in any manner of the legalized saloon.

3. The commission is opposed to the Federal or State Governments, as such, going into the liquor business.

4. The commission is opposed to the proposal to modify the national prohibition act so as to permit manufacture and sale of light wines and beer.

The above conclusions are signed by George W. Wickersham, chairman; Henry W. Anderson, Newton D. Baker, Ada L. Comstock, William I. Grubb, William S. Kenyon, Frank J. Loesch, Paul J. McCormick, Kenneth Mackintosh, and Roscoe Pound. Only Mr. Monte Lemann did not sign same.

From his separate statement signed by Mr. George W. Wickersham, chairman of the commission, I quote from page 284 the following:

The older generation very largely has forgotten, and the younger never knew, the evils of the saloon and the corroding influence upon politics, both local and national, of the organized liquor interests. But the tradition of that rottenness still lingers, even in the minds of the bitterest opponents of the prohibition law, substantially all of whom assert that the licensed saloon must never again be restored.

From the separate statement signed by Mr. Roscoe Pound, I quote from page 281 the following:

Federal control of what had become a nation-wide traffic and abolition of the saloon are great steps forward which should be maintained.

From the separate statement signed by Mr. Paul J. McCormick, I quote from page 273 the following:

From the evidence before the commission I have reached the conclusion that the outstanding achievement of the eighteenth amendment has been the abolition of the legalized open saloon in the United States. Social and economic benefits to the people have resulted, and it is this proven gain in our social organization that has justified the experiment of national prohibition.

Then again on page 275, he says:

Absolute repeal is unwise. It would in my opinion reopen the saloon. This would be a backward step that I hope will never be taken by the United States. The open saloon is the greatest enemy of temperance and corruption. These conditions should never be revived.

Take the report of Mr. Henry W. Anderson, which is the first one privately given. The following is a crumb of value in it:

The abolition in law of the commercialized liquor traffic and the licensed saloon operated entirely for private profit was the greatest step forward ever taken in America looking to the control of that traffic. The saloon is gone forever. It belongs as completely to the past as the institution of human slavery.

Then you take——

Mr. LAGUARDIA. Oh, before the gentleman goes on, will he read the rest that Mr. Anderson said?

Mr. BLANTON. I have not time to read the bunk part in these reports. He says:

We must not lose what has been gained by the abolition of the saloon. The time has come when in the interest of our country we should lay aside theories and emotions, free our minds from the blinding influence of prejudice, and meet the problem as it exists. Forgetting those things which are behind, we must bring into action against existing failures the great reserve of American common sense. By this means we shall advance the cause of temperance and achieve an effective solution of the liquor problem.

Mr. SABATH. The gentleman skips a few lines there.

Mr. BLANTON. I am quoting only the parts I consider have any value. What does Ada L. Comstock say?

Mr. CELLER. Before the gentleman gets through——

Mr. BLANTON. Oh, just a minute. I can not yield now.

Mr. CELLER. I have always yielded to the gentleman.

Mr. BLANTON. Very well; I yield to the gentleman from New York.

Mr. CELLER. Does the gentleman approve of the plan suggested by Mr. Anderson?

Mr. BLANTON. I think that much of his report is bunk. [Laughter.] But I shall read you the grain of value here and there that runs through it.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a minute. I want to give the gentleman some facts that he can not answer. We all knew how Ada L. Comstock would report when she was appointed. I quote from what she says the following:

As I still hope that Federal regulation of the liquor traffic may prove more effective than that of the States, I favor revision of the amendment rather than its repeal.

They are all against leaving it to the States except Mr. Newton D. Baker. Those of us who were here during the war, those of us who were compelled to override the veto of our own President, Mr. Wilson, in the passage of the Volstead law, knew how Mr. Newton D. Baker stood as one of the leading members of the Cabinet of Woodrow Wilson. We knew what his report would be right from the beginning, but just let me read you a few more.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Mr. Newton D. Baker is the only one who would want to repeal the eighteenth amendment and leave it to the States. Let me read you an excerpt from the signed statement of W. I. Grubb:

> Prohibition is conceded to have produced two great benefits, the abolition of the open saloon and the elimination of the liquor influence from politics.

Does he think that the liquor influence has been eliminated from politics? He ought to come here and sit in the gallery and watch the proceedings here, and he would not reach that conclusion.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am going to yield in a minute. Listen to the crumb of value he gives us:

> Remission to the States would assure the return of the open saloon at least in some of the States, and the return of the liquor interests to the politics of all of them. Revision of the amendment by vesting in Congress the exclusive control of the liquor business would make certain the return of the liquor influence in national politics and possibly the return of the open saloon in all of the States.

Now, let me read you an excerpt or two from Judge Kenyon.

Mr. SABATH. Will the gentleman yield here?

Mr. BLANTON. In just a minute. Let me give the gentleman some facts. I want the gentleman to answer these conclusions which have been reached. I want to use my own time and then I am going to yield. Those of us who served here when Judge Kenyon was a Member of the Senate all knew exactly how he stood on this and other questions. What additional information do we get from his report? None. But here is his crumb of value:

> Many prohibition agents have lost their lives in attempting to perform their duties, concerning which little reference is made in the press.

Then again he says:

> There was drinking in the colleges before prohibition. It is not clear how any system that might make liquor easier to procure would remedy that situation. * * * The abolition of the saloon has been a mighty movement for the betterment of the Nation. The saloon was in partnership with crime. It was the greatest aid in political corruption. It never did a good thing or omitted to do a bad one. Nothing good could be said of it, and it is notable that very few people advocate its return. The open saloon in this country is dead beyond any resurrection. People are prone to forget the picture of conditions before prohibition.
>
> Speak-easies, so prevalent in large cities, are not entirely a product of prohibition. They existed prior thereto. Interesting is the following account from a Pittsburgh paper of November 15, 1900:
>
> "At the meeting of the retail liquor dealers yesterday the statement was made that there are in Allegheny County 2,300 unlicensed dealers who sell liquor, in violation of the law, every day in the year, Sundays and election days included. This is a decidedly startling assertion, for while it is notorious that speakeasies exist and are to some extent tolerated by the authorities, there has been no visible reason to suppose that illicit traffic was being conducted on so large a scale. The district attorney of the county and the public safety directors of the city ought to be heard from on this head. If the law is being violated so extensively as the licensed dealers claim, it is manifest that there must be a wholesale neglect of duty in official quarters."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. O'CONNOR of New York. Reserving the right to object, I will not object if the gentleman will read from the statement of Judge Kenyon on page 211, that the saloon condition now is worse than before prohibition. Will the gentleman read the first part?

Mr. BLANTON. If the gentleman does not take all of my five minutes.

The CHAIRMAN. Is there objection?

Mr. GAVAGAN. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, under the leave granted me to revise and extend my remarks, I print the balance of what I had to say, to wit:

It is but natural that I am not going to quote those parts of the statements of these various members of this commission which I deem ridiculous and without merit. I quote only those parts which I deem of merit worthy of repetition. The Members of the wet bloc of this House which have been organizing so intensively for the past few days may quote such parts as appeal to them. The parts I quote appeal to me. But the parts I quote are unanswerable by the wets.

Senator Kenyon well quoted Miss Evangeline Booth, then commander in chief of the Salvation Army of the United States, as follows:

> You can hush every other voice of national and individual entreaty and complaint! You may silence every other tongue—even those of mothers of destroyed sons and daughters, of wives of profligate husbands—but let the children speak! The little children, the wronged children, the crippled children, the abused children, the blind children, the imbecile children, the dead children. This army of little children! Let their weak voices, faint with oppression, cold and hungry, be heard! Let their little faces, pinched by want of gladness, be heeded! Let their challenge—though made by small forms, too mighty for estimate—be reckoned with. Let their writing upon the wall of the Nation—although traced by tiny fingers, as stupendous as eternity—be correctly interpreted and read, that the awful robbery of the lawful heritage of their little bodies, minds, and souls is laid at the brazen gates of alcohol!

The people of the United States get a crumb of value from the following excerpt which I quote from the signed statement of Mr. Frank J. Loesch, page 265, to wit:

> Even if it were a possibility of accomplishment in the near future it would be unwise to repeal the eighteenth amendment.
>
> Such repeal would cause the instant return of the open saloon in all States not having state-wide prohibition.
>
> The public opinion as voiced in the testimony before us appears to be unanimous against the return of the legalized saloon.

Let me now give you an excerpt from the signed statement of Mr. Kenneth Mackintosh, quoted from page 272:

> The fact should not be overlooked that the eighteenth amendment has marked a long step forward.

With the foregoing enunciation of certain conclusions, quoted from each and every one of the 11 members of this Wickersham Commission, before us, regardless of whatever else any or all of them may have said, how any wet Member of the wet bloc of this House can get any wet consolation from this report as a whole is beyond my comprehension.

They have reported against repeal. They have reported against the open saloon. They have condemned the saloon. They agree that its return is unthinkable. They have spoken against light wines and beer.

But the people of the United States already had their minds made up on these matters when this commission was first appointed, and long before this $500,000 had been wasted. It did not take such a report to convince the people. They were already convinced. It was unwise and foolish to appoint this commission. It was wasteful and extravagant to thus throw away $500,000 of the people's money on such a foolish report. No report, made by any commission, would be satisfactory to wets, and the drys would never accept a report that advocated repeal, for there is no compromise on this question. It means prohibition or the open saloon. And drys will never compromise on that issue.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment offered by the gentleman from Texas.

I trust that when the gentleman from Texas [Mr. BLANTON] revises his remarks he will do the fair thing and quote the complete citations from which he has read. The gentleman from Texas has been a judge on the bench, and he

would have thrown out of court any lawyer who would have cited an authority and not read the complete paragraph, thereby through the omission changing the meaning and intent of the source quoted.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Just a moment. The gentleman would not yield to me.

Mr. Chairman, this Wickersham Commission is not the child of those of us opposed to prohibition. [Applause.]

This Wickersham Commission was the creation and the last hope of the drys. I remember one instance where, on a point of order I struck out the appropriation for the Wickersham Commission and the gentleman from Michigan, the recognized leader of the drys in this House, pleaded for its retention. I remember every dry on the floor of this House was much exercised because of the danger of losing the commission. Why, Mr. Chairman, repeatedly have the drys expressed their hope in what would come from this commission, and all that you have obtained from that report is a separate, artificially created, report on a separate slip accompanying the real report, misrepresenting the majority views and making believe that they still have faith in prohibition. Every quotation that the gentleman from Texas [Mr. BLANTON] read was from a well-known dry. Judge Kenyon is a dry. Dr. Ada Comstock is a dry. That commission was packed with drys.

Let us be frank about it, gentlemen. Because individually they have the courage to say what they did not have the courage to say collectively, you are trying to alibi that commission. Now, my dry friends that was your creation; that was your hope, and now that individually a majority of them have confessed that prohibition is not being enforced, that it is not enforceable, and when a majority of them individually recommend either the repeal of the eighteenth amendment or a revision of the amendment or a modification of the enforcement law, the drys are now trying to claim it is not their commission. Now you have the report of your own commission.

Mr. BLANTON. Will the gentleman yield?

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Not only were nearly all the members of the commission deliberately picked as drys, but I am sure the gentleman has observed that the President appointed on the commission several judges of the Federal courts of our Nation. That must have been very embarrassing to those jurists who owed their appointment to judicial office to the executive department. True, their terms are for life and they could not be removed except for cause; they could be assigned uncomfortably. Furthermore, these judges are charged with the enforcement of the prohibition law. It is refreshing, however, to note that some of those men, in spite of this hold the Executive has over them, were brave enough to come out and state what they honestly felt about the actual conditions under prohibition.

Mr. LAGUARDIA. And I might add that these Federal judges had, from actual first-hand experience in trying to enforce this impossible law for the last 10 years, recognized the failure of prohibition and the necessity of a change in the law.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Why, Mr. Chairman, there has been no greater indictment of prohibition on the floor of this House by the most extreme wet than that made by Judge Kenyon, a recognized sincere and honest dry.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. The eighteenth amendment was largely brought about through the efforts of the ministers of the country, of the Anti-Saloon League, and of the Woman's Christian Temperance Union, and yet not a single representative of any of them was placed on this commission. They had no voice or representation on the commission.

Mr. LAGUARDIA. The gentleman from Texas himself praised this commission when we were fighting it. [Laughter.]

Mr. BLANTON. It was an unwise and extravagant and useless "passing of the buck," pure and simple.

Mr. CELLER. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. CELLER. Would the gentleman not say that all that the wets have said against prohibition for the last 10 years is approved by the findings of this commission?

Mr. LAGUARDIA. Yes. Now, Mr. Chairman, I want to say that there has never been a book published in this country that has received the attention which the report made by this commission is now receiving, and that in itself proves beyond doubt that this experiment has failed; and now your own experts, your own drys, have so stated. [Applause.]

The CHAIRMAN. The time of the gentleman from New York [Mr. LAGUARDIA] has expired.

The pro forma amendments were withdrawn.

The CHAIRMAN. All time has expired.

The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

For salaries of the judge, district attorney, and other officers and employees of the court; court expenses, including reference law books, ice, and drinking water for office purposes, $41,650.

Mr. O'CONNOR of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had hoped that to-day, with the benefit of having the report of the Wickersham committee before us, we might be able to conduct this debate on appropriations for enforcement of the prohibition laws with some degree of decorum. It looks as though we would not be able to do that, however, and I am taking this moment, because I could not allow to pass the statement made by the gentleman from Texas [Mr. BLANTON] in which he excerpted from Judge Kenyon's statement certain sentences seeming to support the contention that corruption was more flagrant prior to the existence of the prohibition laws. Such unfairness will probably occur many times to-day. The gentleman read from Judge Kenyon's individual statement certain statements about the perils of the saloon before prohibition.

Just at this point I want to read from Judge Kenyon, at page 211 of the Wickersham report. I want you to hear his statement about conditions to-day, as compared with conditions during the days of the saloon before prohibition:

I have referred to only a part of the evidence before us showing the mess of corruption. Some of the evidence is so startling that it is difficult to believe it. * * * Of course there was corruption prior to prohibition. The saloon was the center of political activity, but I think the corruption was not so widespread and flagrant as it is now. The amounts involved were not so large. Corruption had not become such an established art, and racketeering was unknown. It has now developed to a high degree of efficiency. Nothing but a congressional investigation could give to the public the whole story.

Mr. WURZBACH. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, different constructions have been placed upon the report of the National Commission on Law Observance and Enforcement on the enforcement of the prohibition laws in the United States which has just been transmitted to Congress by President Hoover. It may be admitted that the committee's conclusions are rather vague and indefinite. In one important respect, however, the conclusions are quite definite, namely, that if after further trial effective enforcement can not be secured, then there should be a revision or repeal of the eighteenth amendment. The investigation and report of the commission in reaching that conclusion has accomplished one very useful purpose. It has given us that one definite issue, indefinite only in that it leaves to Congress and the people to determine what will be a reasonable time needed to bring about effective enforcement of the amendment through the Department of Justice administration of it under laws existing and those further

laws suggested in the commission's report. One, two, three, or four years should be a sufficient time to determine whether or not such effective enforcement has been, or may reasonably be expected to be, accomplished. Personally, I do not believe the prohibition amendment can be enforced to bring about the result sought by sincere prohibitionists. That belief does not justify me in standing against honest efforts to enforce a law my oath of office compels me to support so long as it is a law. If a further few years' trial at the enforcement of the amendment meets no greater success than it has in the past, then the sincere dry as distinguished from the political dry ought to be ready to admit failure of the experiment and vote for repeal or substantial revision.

I repeat, that the commission's conclusions, to say nothing of the individual views of the members, accompanying the report, has furnished Congress with the one issue, the decision of which, one way or the other, will probably settle the whole vexing question of whether or not the present eighteenth amendment should continue as a part of the fundamental law or be done away with altogether. I am little concerned about the political or professional wet or dry—and we have lively examples of him on one side or the other of the question—whose chief delight is talking upon the subject and whose brightest hope is to keep the issue unsettled for reasons not necessary now to detail. There are those of the class last mentioned who will do all in their power to duck and dodge by not taking advantage of the clear issue presented to Congress by the committee report.

An opportunity either to duck and dodge or to capitalize on that clear issue is now before us. It just happens that at the very moment the report is presented to Congress, the House has before it for consideration an appropriation bill, the vote upon one portion of which will, in my judgment, determine whether the Member voting really wants the issue settled one way or the other or wants it to drag on for the next, as it has for the past, 12 years. I refer to that part of the Department of Justice appropriation bill providing money for prohibition enforcement.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WURZBACH. If the Department of Justice is given the amount it thinks it needs for enforcement, and if that amount is not strikingly unreasonable, and if Congress does the same thing for, say, 2 or 3 or 4 years more, and supplements such ample appropriations with reasonable new legislation the department asks for, and legislation recommended by the committee, if, then, it is found that prohibition enforcement has not been markedly improved over what the commission unanimously agrees has up to now been inadequate observance or enforcement, then, I am sure, the Department of Justice would confess its impotency and the country generally, including sincere prohibitionists, would adopt the recommendation of the committee after such further futile effort that the eighteenth amendment "should be immediately revised."

I shall vote for the appropriation because I want the issue settled. I want an early determination of the question of whether or not the eighteenth amendment can be enforced. If it can be enforced, let it be enforced; if it can not, repeal it. Candidly, I do not think it can be, but I want to see it given every fair chance.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

Mr. GREEN. Mr. Chairman, reserving the right to object, and I shall not object, I would like to know if my friend believes less alcohol is consumed now than when we had the open saloon?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WURZBACH. I have consistently voted for every appropriation asked for the purpose of enforcement, and am willing to give the enforcing authorities an additional reasonable time to ascertain if the law is or is not enforceable. If the law can be reasonably enforced, without bringing on a greater train of evils than those sought to be corrected, then much, though not all, of the present opposition to the law will fade away, or at least be less violent, certainly less effective in its attack upon the fundamental law, and thus inducing disrespect for all law. On the other hand, however, if it is concluded, after further trial that the law can not be enforced to a higher degree than the commission finds it has been in the past, we must, or at least should, abandon the useless effort.

Mr. BLANTON. Will the gentleman yield? I want to know on which side of the fence the gentleman is.

Mr. WURZBACH. The danger, I fear, is that Congress will fail to take advantage, first, of the fact found by the committee's conclusions, namely, that there is yet no adequate enforcement; and, second, of the recommendation made, namely, that if after fair trial effective enforcement is not securable, as will be demonstrated if not secured within a reasonable time hereafter under favorable enforcing conditions, that then there should be a revision, if not repeal, of the amendment. However, and this fact should not be forgotten, the commission's conclusion that "immediate revision" should follow proven inability to enforce is predicated expressly upon a further fair trial being given to the Department of Justice to secure enforcement. A fair trial depends upon fair appropriations with which to make the trial. A failure to so appropriate keeps the issue unsettled. If I were a political or professional prohibitionist, or wet, wanting no settlement of the prohibition question, I would hope and pray that the appropriation asked by the Department of Justice would be greatly reduced or stricken altogether. Such action by Congress would furnish the complete alibi, and leave us 2, 3, or 4 years from now just exactly where we are at this moment. Worse than that, such action would, in my judgment, constitute legislative nullification of the fundamental law to which I am not willing to give my approval. Therefore I shall vote for the full amount of the appropriation asked for in the bill. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I rise just to make a statement to the committee which, I think, may serve to hasten the reading of the bill. The gentleman from Pennsylvania and I have been cooperating with some gentlemen on both sides of the aisle, who we thought were interested in a section of the bill carrying an appropriation for the enforcement of the prohibition law, in the hope of trying to see if we could not agree on some reasonable time in which there might be a discussion of amendments which we understand will be offered to that section. We have reached a tentative agreement of two hours, to be divided equally between those for and those against the amendments. I think, if gentlemen will permit the reading to go forward, they will have ample time in which to discuss the amendments. We have no desire to interpose any objection at such time to anyone speaking out of order; but this is an important bill, and it was with a view of proceeding in an orderly way that the limitation agreement was sought. I hope gentlemen will wait until the proper time, and then discuss this issue. Gentlemen will remember that we were very liberal in extending time to all Members in general debate, and have been very liberal to-day.

Mr. SHREVE. Mr. Chairman, I move that all debate on this paragraph, and all amendments thereto, close in five minutes.

The motion was agreed to.

Mr. CLANCY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, ladies and gentlemen of the committee, on last Tuesday, in an effort to bring before the American people the valuable services of one of our very best ministers to foreign countries, Hon. Roy Davis, of Panama and Missouri, and speaking extemporaneously, I touched very briefly upon what I thought was the cause of

the revolution in Panama, namely, the belief of some of the people there that the elections in the past few years had been unfair and had tended to perpetuate a tyranny in office. I did say that from my investigations I believed that about 80 per cent of some of the populations in the Latin American countries was illiterate and did not vote intelligently.

I think I ought to elaborate upon that statement by saying that in the United States, even within 100 miles of Washington, a majority of the people in some districts are illiterate, and that they do not know how to vote intelligently. I refer particularly to that community on the Rapidan River which was found to be in a most appalling condition of illiteracy when President Hoover recently established his cottage there. I do not believe there is a greater degree of illiteracy in the Latin American countries than exists in that community. I make this statement because I do not want to be placed in the position of reflecting unjustly on any of the Latin American peoples, whose friendship, good will, and trade we desire. Unfortunately some of the newspapers recently quoted me as using language I did not use. The statement was made in that story that the revolution was conducted by "peons." I never used that word and was surprised to find it in print, because I did know that some capitalists, bankers, and business and professional men who represented the old families of Panama were largely behind that revolution. I have always believed that the Spanish who settled the Latin-American countries, the conquistadors and the dons, were as wise and as courageous as any of the settlers who came to these two continents. I do wish to elaborate my statement in that regard, with the desire that the RECORD shall be corrected to that extent.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For expenses of maintaining in China, the former Ottoman Empire, Egypt, Ethiopia, Morocco, and Persia, institutions for incarcerating American convicts and persons declared insane by the United States Court for China or any consular court; wages of prison keepers; rent of quarters for prisons; ice and drinking water for prison purposes; and for the expenses of keeping, feeding, and transportation of prisoners and persons declared insane by the United States Court for China or any consular court in China, the former Ottoman Empire, Egypt, Ethiopia, Morocco, and Persia, so much as may be necessary; in all, $9,600.

Mr. BLACK. Mr. Chairman, I move to strike out the paragraph.

Mr. Chairman and gentlemen of the committee, for years this country, with others, has been professing a very sincere friendship for China. For years this country and others have asserted that China is an independent sovereignty and yet all of them, including our highly idealistic nation, have denied China one of the main elements of sovereignty, and that is to maintain its own system of courts and its own penal system within its geographical boundaries.

These assertions of ours about Chinese sovereignty are parts of treaty. They are contracts with other countries and they are contracts with China. The most important one was set forth in the Washington Disarmament Conference and on the basis of that we appointed a commission to look into the Chinese system. The commission was unfriendly. The report came to the Congress just before the Porter resolution was passed some years ago.

The Porter resolution was passed in this House by a vote of something like 4 to 1 against this extraterritorial jurisdiction that we maintain over China, and yet year in and year out, in spite of the Porter resolution and in spite of the treaties, we appropriate money for the maintenance of courts in China and for the maintenance of a correctional system affecting Americans.

Now, it is highly unfair—highly unfair to ourselves and highly unfair to China and it is highly impractical. The Nationalist Government of China and its army is the outstanding government and the outstanding army in the war against communism. We had a report here the other day, a highly excitable report, about various elements of communism in this country and a committee of Congress went to great length in making recommendations to the Congress, and yet in China they have the communists. They have communistic armies and the Chinese armies are fighting the communistic armies, and what are we doing? We are maintaining courts in China in violation of our own treaty stipulations, and this House appropriates for them. This is a senseless thing to do from a practical point of view, because if we were to recognize China's right to real sovereignty and withdraw our courts and withdraw our prosecutors and recognize properly the Nationalist Government of China as a great sovereignty, they would have real help against the communists. They would have real moral support and, in addition to that, they would be able to bring about peace in China, because they would have fulfilled the promise they made the Chinese people when their revolution was successful to the effect they would do away with these extraterritorial courts.

They would have peace in China and this great market of China, when markets are so badly needed, would be open again to the world. I think this Congress should see to it that we live up to the Porter resolution. I think the Congress should see to it that we live up to our treaties and do away with these appropriations for the maintenance of courts in violation of Chinese sovereignty.

Mr. SHREVE. Mr. Chairman, we are simply carrying out the provisions of the Revised Statutes, section 4123, which provides for bringing home prisoners, and so forth, and I wish to say that with the increased number of Americans in China we find we now have more prisoners to bring home than previously. For a time we left them at Manila, but the authorities there objected to American prisoners being discharged from the penitentiaries there, so now we are compelled to bring these people back to the United States and this has increased the cost to some extent.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Conduct of customs cases: Assistant Attorney General, special attorneys, and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General, including experts at such rates of compensation as may be authorized or approved by the Attorney General; supplies, Supreme Court reports and digests, and Federal reporter and digests, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General; in all, $119,940.

Mr. SABATH. Mr. Chairman, I move to strike out the last word for the purpose of making an observation and an inquiry as to this appropriation.

I notice the appropriation for the conduct of customs cases, under the Department of Justice, is $119,940. If I am correctly informed, or have been able to compute the figures accurately, this bill carries about $37,000,000 for the Department of Justice. I wonder whether the Department of Justice can use this $119,000 to prosecute all the cases that we read about in the newspapers of smuggling on the part of some of the extremely wealthy ladies who go abroad three or four times a year and then bring back hundreds of thousands of dollars of jewelry and other imported merchandise?

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SABATH. I yield.

Mr. LAGUARDIA. This appropriation of $119,000 does not cover cases of that kind. This is for cases under the Special Assistant Attorneys General, who are in the Customs Court passing upon the classification of merchandise and upon valuations and matters of that kind. This has nothing to do with the criminal end of it.

Mr. SHREVE. The gentleman from New York [Mr. LAGUARDIA] has correctly stated the situation. This is a court that has been running along for many years, and one that has been most efficiently presided over by several distinguished lawyers, and has nothing at all to do with criminal matters.

Mr. SABATH. What I am interested in and hope is that the Department of Justice has enough money, or can spare

enough money from the $37,000,000 prohibition fund, to prosecute the many, many ladies who are apprehended and arrested as I have indicated.

Mr. LAGUARDIA. The procedure is that when any citizen or person is caught smuggling, under the law the penalty is fixed; that is, the value of the goods smuggled and double that amount as a penalty; and they all pay up.

Mr. SABATH. Is that all? Is there not also a penal provision?

Mr. LAGUARDIA. There is a penal provision if they do not settle up according to the statute.

Mr. SABATH. That is my understanding, that there is a statute not only to impose a penalty, double the amount of the value of smuggled merchandise, but providing also for a jail sentence.

I know the gentleman is well informed, but I was wondering if, when we appropriate $37,000,000 for the enforcement of the prohibition law, whether or not there should be sufficient funds to watch and prosecute these extremely rich, who deliberately rob the Government of millions of dollars and are not prosecuted, or do we nowadays only jail people guilty of the prohibition law?

Mr. LAGUARDIA. The Customs Service is most efficient; they get them, and they do not even squeal about it.

Mr. SABATH. When I read these cases in the press I wondered whether they should not be prosecuted criminally. If we can send a man to jail for taking a drink, put him in the jail for a year or two years, I do not know of any reason why we should not send to jail people who rob the Government of thousands and thousands of dollars several times a year and those guilty of other crimes.

Mr. Chairman and gentlemen, yesterday the Wickersham Law Observance and Enforcement Commission, after expending a half million dollars, submitted a report, which though of value, is a concession of the unenforceability of the prohibition law. Moreover, in the entire report there is not a single line devoted to the investigation of the violations of other laws. And it is to be regretted that the big criminals can thus continue unmolested in their operations of crimes which seriously affect the welfare of the entire Nation.

I had intended to-day to call attention to these other crimes, but lack of time precludes my doing so. As it appears, not only the commission but even the membership of this House recognize the existence of no law other than the crime-breeding prohibition law, which was enacted, whilst all the patriotic men and women in our country were devoting their thoughts, energies, and their very all in their efforts to aid the Nation in ending the cruel war. At the same time in Russia a group under the leadership of Lenin and Trotzky, at the risk of forfeiting their lives, devoted their time to overthrow the then Czar-Kerensky government. During this very period in our country a much smaller group of men, under the leadership of Wheeler, Pussyfoot Johnson, and Evans, aided by their fanatical, professional church leaders, and the since discredited Ku-Klux Klan organization, conspired to destroy our Constitution and to deprive the States of their rights and the people of their liberties. Unlike, however, Lenin and his followers, this prohibition group did not risk its life, but instead resorted to the safer methods of deceit and corruption—of which fact they even prided themselves—to gain their destructive ends.

For 18 months the President's relief and aid commission, known as the Wickersham Commission, has worked and devoted most of its time and effort to the task of justifying President Hoover's 11-year-old "noble experiment"; and although the report is in essence a confession of the impossibility of enforcing this no longer $40,000,000 a year "noble experiment," they even, as reported, have been coerced—yes; intimidated—by the President to ask for an increase in the number of prohibition agents—additional millions of taxpayers' money—and thereby indirectly encourage the murderous, gun-enforcing reign which continues to make unsafe the lives and the homes of thousands of our citizens; and that for the heinous crime of possessing, or even being suspected of possessing, a beverage which for over 100 years in this country and for centuries in the most oppressive lands of the world has been legal.

It is to me gratifying that the two Democratic members, though one signing on the dotted line, recommend immediate repeal and that the lone lady, notwithstanding all of the coercion, remained firm for immediate change. The conclusions of the individual members justify all that has been said against the prohibition law. Thus, Mr. Baker says:

* * * the problem is insoluble so long as it is permitted to require a nation-wide Federal enforcement of a police regulation at variance with the settled habits and beliefs of so large a part of our people * * *.

In Mr. Lemann's report we find—

* * * the eighteenth amendment can not be effectively enforced without the active general support of public opinion and the law-enforcement agencies of the States and cities of the Nation; that such support does not now exist; and that I can not find sufficient reason to believe that it can be obtained. I see no alternative but repeal of the amendment * * *.

Mr. Anderson:

* * * I am compelled to find that the eighteenth amendment and the national prohibition act will not be observed and can not be enforced * * *.

Mr. Loesch:

* * * effective national enforcement of the eighteenth amendment in its present form is unattainable * * *.

Miss Comstock:

* * * enforcement of the eighteenth amendment and the national prohibition act is impossible without the support of a much larger proportion of our population than it now commands * * * the conditions * * * to-day in respect to enforcement * * * tend to undermine not only respect for law, but more fundamental conceptions of personal integrity and decency. For these reasons I * * * favor an immediate attempt at change * * *.

And Dean Pound:

Revision of the eighteenth amendment to allow liquor sale as suggested by Commissioner Anderson.

Because of my limited time, I will not quote all of the others, but simply the conclusions of the outstanding prohibitionist of the commission, Judge Kenyon:

* * * public sentiment against the prohibition laws has been stimulated by irritating methods of enforcement, such as the abuse of reach and seizure processes, invasion of homes, and violation of the fourth amendment to the Constitution, entrapment of witnesses, killings by prohibition agents, poisonous denaturants resulting in sickness and sometimes blindness and death, United States attorneys defending in the Federal courts prohibition agents charged with homicides, the padlocking of small places, and the lack of any real attempt to padlock clubs or prominent hotels where the law is notoriously violated, the arrest of small offenders, and comparatively few cases brought against the larger ones * * *.

I also wish now to insert the comment of some of the Nation's leading newspapers on the prohibition report:

New York Daily News: "President Hoover is now definitely drier than the crowd of intellectuals he picked to tell him and the country that prohibition is O. K."

Boston Globe: "The spectacle of a hung jury, whose 11 members have submitted 12 verdicts. Chaos, confusion, and contradictions are everywhere in evidence throughout this 80,000-word fruit of 23 months of difficult labor."

Philadelphia Inquirer: "While it advocates enforcement, it gives reasons why enforcement is next to impossible."

Norfolk Virginian-Pilot: "The most damaging blow against constitutional prohibition that has been delivered by any responsible body during the life of the eighteenth amendment."

New Orleans Item: "The report wil doubtless prove a source of political grief to Mr. Hoover."

Atlanta Constitution: "The mountain has labored and produced a mouse. The chief significance of the report is that its members are hopelessly divided."

Baltimore Sun: "Taking the report as a whole the public is not very far from the starting place. The commission has told us facts that we already know."

Duluth News-Tribune: "A majority of the commission agrees, as a majority of the people will agree, that prohibition has failed."

Detroit News: "First reactions to the long-heralded report by the Law Enforcement Commission are not stimulating. When among 11 commissioners all 11 find it necessary to subjoin individual reports, there can not be much confidence in what is submitted by Chairman Wickersham as his own and the 'commission report.'"

Charleston (S. C.) News and Courier: "The report means that national prohibition embodied in the eighteenth amendment and enforcement acts is an unsuccessful experiment, whatever its motive. The report is a staggering blow to national prohibition."

Richmond (Va.) News Leader: "Never was a more logical report brought to a more illogical conclusion than when the commission, having discredited the eighteenth amendment with deepest damnation, solemnly affirms that it does not urge its repeal."

I regret that I can not quote some of the remarks of the Chicago papers, but up to this moment I have been unable to secure them.

Anyone reading these views must conclude that the enactment of the law was a grave and serious imposition upon the Nation.

And though I greatly deplore the commission's intimidated conclusion I am gratified that 8 of the 11 members directly and indirectly indorse my plan, embodied in House Joint Resolution 99, on which extended hearings have been held during the last session, and which will make possible the adoption of the Swedish system of liquor control as well as the return to the States of their respective powers.

Mr. CLANCY. Mr. Chairman, I move to strike out the last two words. On last Tuesday when the Wickersham report was presented, I endeavored to have the report read in the House because I knew that the brief statement as read to the House was very largely at variance with the detailed individuals' report, and that the report was rather dry outside and wet inside.

I offered a resolution that a million copies of the report be printed by the Government. I figured that the newspapers would be unable to print the report, except possibly the New York Times, which could print it in full.

Since the question is so important—we are losing $600,000,000 a year in beverage revenues and spending millions for prohibition enforcement, and the bootleggers are making several billions a year, and therefore I thought that the report ought to be put in circulation, and much money might be saved by this expenditure.

As a matter of fact, the New York Times did print it in full. I also noticed that the report is printed in full in the supplement of the United States Daily. It is selling for 5 cents a copy. If a community or organization wants to order a number of copies of this supplement of the United States Daily they can get it at cheaper rates than 5 cents a copy, which includes postage.

I announce this publication because the Government's document on the Wickersham report costs the taxpayers about 6 cents a copy, exclusive of postage. By my announcement, I hope to save money for the Government.

Mr. LAGUARDIA. And applications might be made to the gentleman from Michigan. [Laughter.]

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of criminal identification and other records and their exchange with the officials of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles when necessary; firearms and ammunition, such stationery, supplies, and equipment for use at the seat of government or elsewhere as the Attorney General may direct, including not to exceed $11,200 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses; and payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed $414,246 for personal services in the District of Columbia, $2,978,520.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 33, at end of line 12, insert "*Provided*, That no part of any appropriation in this act shall be used for the detection and prosecution of any person or corporation engaged in the sale of malt sirup for the manufacture for home use of nonintoxicating maltous beverages."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph, that it interferes with the discretion that is lodged in every executive, and would require an extra investigation to be made by the executive that is not usually required under the law. And further, that it is in effect legislation on an appropriation bill not authorized by law, and is not a proper limitation.

Mr. STAFFORD. Mr. Chairman, I do not think it is necessary to direct any attention to the first two grounds offered in support of the point of order by the gentleman from Texas—that it is not germane to the provisions of the paragraph.

Here we have a provision providing for the detection and prosecution of crime. My amendment seeks to limit the character of that service.

The last objection that the gentleman advances, that it is legislation, is without foundation. It is a negative provision. Time and again it has been held that this is a limitation in a negative form. The Congress has the right to provide for the character of service to be performed under this paragraph.

Mr. LAGUARDIA. It is a similar amendment to that approved in respect to the prosecution of former cooperatives, and also as to labor organizations under the antitrust law.

Mr. BLANTON. Under the language of the amendment it requires an extra investigation, it is an abuse of the discretion that is ordinarily lodged in the Attorney General at the head of the Department of Justice.

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair, the amendment is germane, and constitutes merely a negative limitation on the appropriation, and the Chair overrules the point of order.

Mr. STAFFORD. Mr. Chairman, I offer this amendment to call attention to the glaring inequality in the enforcement of the national prohibition act as administered by the Department of Justice. I have examined the hearings on this bill very closely, including the testimony of the Attorney General and the testimony also of the prohibition enforcement officer. The Attorney General states on page 22 that the policy of the department at the present time, so far as the administration of section 29 of the Volstead Act is concerned, is following out the Isner case. Mr. Woodcock, on page 127 of the hearings states:

I say that all we are attempting to do is to stop the commerce in intoxicating liquor.

I call attention of the House to this condition of affairs that recently developed in my home city. A Federal subsidized corporation, subsidized to the extent of $10,000,000 by the Farm Relief Board for the benefit of the wine producers of California, has come into Milwaukee seeking to distribute its concentrates of wine. On 200 or more billboards in the city of Milwaukee, one right in front of our leading railroad station, are found large display advertisements, which state that section 29 of the national prohibition act does not prohibit the article advertised by this corporation, and then follows a list of eight different varieties of wine.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not now. What does section 29 of the prohibition act really do? It provides:

The penalties under this act shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar.

I see gentlemen from California smiling, and well may they smile, because they are profiting by this unfair administration of this law.

The testimony shows that twice the amount of wine is being consumed in this country that was consumed before national prohibition, and on the floor of the House to-day it was stated that twice the number of acres are used in the growth of wine grapes in California than were used before the prohibition act.

I refer now to the case of Isner against the United States, reported in Eighth Federal Reporter, second series, at page

487. What did this decision state? The decision is by Judge Webb, and some of the older Members will remember that he was chairman of the Committee on the Judiciary that brought into the House the modification of the Senate resolution providing for the eighteenth amendment, in which he stated that that amendment applied only to the making of wine and cider by individuals for home use. Under Government sanction, under Government subsidy, the Department of Justice is permitting a California corporation to transport in interstate commerce large quantities not produced, as provided in section 29, by any individual for family use, but engaged in the wholesale manufacture of wines containing excessive alcoholic content.

Let me give you the whole picture, and tell you why there is so much revolt against the prohibition act in my home city. The Attorney General and the national prohibition enforcement officer state that they are only seeking to prevent the manufacture in wholesale quantities of intoxicating liquors. Within a year the Department of Justice has begun the prosecution against two small dispensers by retail of maltous liquors doing business in Milwaukee, one within a quarter of a mile of my home, where they are dispensing this malt sirup so the people can manufacture beer at home, and not for wholesale production. They started prosecutions in those two cases, and yet they sanction Mrs. Mabel Walker Willebrandt's clients in the wholesale distribution of wine concentrates, which are heavily intoxicating without any limit whatsoever, in direct violation of the enforcement act.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BLANTON. The gentleman speaks of Judge Webb, who was the author of the Isner decision, and who was once the chairman of the Committee on the Judiciary. Does the gentleman contend that Mr. Webb was an ardent prohibitionist, and does he contend that Mr. Volstead was an ardent prohibitionist?

Mr. STAFFORD. Why, they were prohibitionists of the extreme type.

Mr. BLANTON. Mr. Volstead, in my judgment, was a pronounced, fundamental, constitutional anti all of the time he was on the committee, and mentioned several times he was not a prohibitionist. But as chairman he handled the legislation.

Mr. STAFFORD. Andrew J. Volstead was an antiprohibitionist?

Mr. BLANTON. He always said he was.

Mr. STAFFORD. The gentleman's memory is fauity. The gentleman is far from the facts. I do not know whether the gentleman was here when Mr. Webb represented a district of North Carolina.

Mr. BLANTON. Yes; I was. They presented the committee measures on the floor because they were chairmen. I considered both of them very lukewarm on the subject.

Mr. STAFFORD. He could not have retained his seat unless he had been a prohibitionist. He never pretended to be anything else.

He defended the Senate resolution providing for the eighteenth amendment, as the representative of the drys; just as sincere a dry as the gentleman from Texas. He out-Heroded even BLANTON in his dryness.

The purpose of this amendment is only to secure fair treatment to the people of my State. They want the law with reference to the sale of beer of a nonintoxicating character administered on the same plans as the Department of Justice administers the law with respect to the distribution of wine concentrates manufactured in California.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. LAGUARDIA. Will the gentleman explain that the two methods are exactly alike? They are both concentrates and when diluted with water, nature does what Congress can not stop, and that is all there is to it.

Mr. STAFFORD. It is only to apply to the dwellers of the cities who want their glass of beer and the farmers who raise barley the same treatment as is accorded by the Department of Justice to the wine growers and wholesale wine-concentrate makers of California. It is that clear inequality to which the people of Milwaukee are calling attention. They want to know why it is that California with its large vineyards can be protected, even though Mrs. Mabel Walker Willebrandt comes from California, even though she was the accredited chairwomen on the committee of credentials in the Kansas City convention. They want to know whether it is necessary to have those prerequisites in order to get a harmless glass of beer, nonintoxicating in character, without arrest. [Applause.] That is the question. Fair treatment, equal treatment; and there is such dissatisfaction growing up in my own home city on this unfair and unequal treatment against the sellers of malt sirup for home use as compared with the favoritism shown the California wine growers that there was almost a political revolution there in the last campaign.

Now, I challenge any dry to justify the action of Mrs. Mabel Walker Willebrandt's client in this practice, whereby they are selling in wholesale quantities these concentrates throughout the country without authorization of law.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SHREVE. Mr. Chairman and gentlemen of the committee, I think we can save a good deal of time right now when I inform you that this paragraph refers to the detection and prosecution of crime and it has nothing whatever to do with the liquor business. A motion has been made to offer some sort of an amendment to prevent certain liquor dispensing, I suppose. Am I not correct?

Mr. STAFFORD. The amendment applies to any appropriation in this act; not alone to this section, but it is germane to this section. Any appropriation in this act shall be prohibited for the prosecution of dispensers of malt sirup.

Mr. SHREVE. Oh, the gentleman made the amendment to the paragraph on the detection and prosecution of crime. I say it has no place there whatever, because that department has nothing whatever to do with anything concerning the liquor business.

Mr. STAFFORD. But it is germane because the limitation is to any appropriation in the entire act.

Mr. SHREVE. Well, that is too remote.

Mr. STAFFORD. It is right before us this minute. Mrs. Mabel Walker Willebrandt has brought the question right before us.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. SHREVE. I yield.

Mr. O'CONNOR of Oklahoma. Has the gentleman from Wisconsin [Mr. STAFFORD] ever inquired whether or not the employment of "little Mabel" by the wine growers was exclusive, so that she could not also be employed by the beer producers? Has the gentleman from Wisconsin looked into that? Is it an exclusive employment?

Mr. STAFFORD. The brewers of Milwaukee have a very high regard for ethics in the profession. They would not wish to violate the ethical standing, especially of a woman advocate, who assumed that high position as chairman of the credentials committee at the Kansas City convention, to have work that might infringe upon and impair the services she is rendering to her clients, the wine makers of California.

Mr. O'CONNOR of Oklahoma. You are not the practical people you are accredited with being, then.

Mr. SHREVE. The main idea that I wish to convey is that the amendment does not apply to the act that is now before the House on the paragraph referring to detection and prosecution of crime. That has nothing whatever to do with the liquor business.

Mr. BLANTON. Mr. Chairman, I offer a perfecting amendment to the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON to the amendment offered by Mr. STAFFORD: At the end of the amendment insert "except when deemed necessary by the department in upholding the eighteenth amendment."

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. STAFFORD. Is the gentleman afraid of a direct vote on the real merits of my proposal?

Mr. BLANTON. Not at all. It will be defeated by about 4 to 1. And all other such wet amendments will be defeated.

Mr. Chairman, the Constitution prevents the sale of beer. The purpose of the amendment offered by the gentleman from Wisconsin would legalize the sale of beer ingredients, malt sirup, that could be within a short time transformed into beer.

Is it wise to adopt that amendment in face of the report which has just been brought in, upon which the membership of the Wickersham Commission were unanimously in favor of upholding the Constitution with respect to prohibiting the sale of beer?

Here is the fourth paragraph of their report and conclusions, signed by all of them except Mr. Lemann, but passed by the unanimous vote of the commission. They say:

The commission is opposed to the proposal to modify the national prohibition act so as to permit manufacture and sale of light wines and beer.

They had already, in No. 1, agreed upon this:

The commission is opposed to the repeal of the eighteenth amendment.

No. 2: The commission is opposed to the restoration, in any manner, of the legalized saloon.

No. 3: The commission is opposed to the Federal or State Governments, as such, going into the liquor business.

The above recommendations were unanimously agreed upon by every member of the commission and were signed by all of the members except Mr. Lemann.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. In just a moment.

I want to show you some of the things Mr. Lemann said, over his own signature, as a member from Louisiana, who signed a separate statement. From page 246, I quote from the signed statement of Mr. Monte M. Lemann the following:

The machinery of enforcement may, in my judgment, without disproportionate expense, be made adequate to cope with the industrial alcohol and smuggling aspects of the enforcement problem.

Was this wet Mr. Lemann from Louisiana in favor of throttling and nullifying the law? Why, certainly not. I quote from his signed statement on page 262 of the report the following:

I do not favor the theory of nullification, and so long as the eighteenth amendment is not repealed by constitutional methods it seems to me to be the duty of Congress to make reasonable efforts to enforce it. * * * The additions to the field forces and equipment which are set out in detail in the Dennison-Sawyer study appear to be a moderate proposal in this direction and would involve no seriously disproportionate expense for the effort at prohibition enforcement, as compared with moneys otherwise expended for governmental operation. I therefore concur in the recommendations that the number of prohibition agents, inspectors, storekeeper-gagers, warehousemen, investigators, and special agents should be increased as recommended—

And so forth.

Now, let us see what this wet Mr. Lemann, of Louisiana, says about beer. I quote from his signed report on page 263:

I do not think that any improvement in enforcement of the eighteenth amendment would result from an amendment of the national prohibition act so as to permit the manufacture of so-called light wines and beer. If the liquor so manufactured were not intoxicating, it would not satisfy the taste of the great majority of those who are now drinking intoxicating liquors, and if it were intoxicating, it could not be permitted without violation of the Constitution.

Elsewhere in his signed statement Mr. Lemann says (quoted from p. 259):

Without considering the validity of the objections and reasons thus stressed, as to which opinions will widely differ, it seems to me clear that they do not justify failure to observe the law.

He says (quoted from p. 260):

I do not think that to substitute for the eighteenth amendment a provision leaving the matter to Congress is any solution. * * *

The suggestion that the matter be referred to Congress seems to me not to dispose of the problem or to make any substantial advance in its disposition. Moreover, this proposal would mean that the liquor question would play a large part every two years in the election of Congress, that a fixed national policy of dealing with it would never be assured, and that all the political influence of the liquor interests would be introduced actively into our national affairs. It is suggested that this would be preferable to having these interests active with each State legislature, but relegation of the matter to Congress would carry no assurance even of this accomplishment, since Congress doubtless would not undertake to force any State to be wet which desired to be dry—

And so forth.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STAFFORD. Would not the affirmative declaration of this House on the proposal I make show to the country how little we regard the inconsistencies of the Wickersham report?

Mr. BLANTON. In my judgment it would show the country how little the membership of this Congress regards the stability of their oaths, when we take an oath that we will uphold and obey the Constitution without reservation, and the Constitution now says that it is unlawful to sell beer, and the Wickersham report says that it is not in favor of changing that Constitution. [Applause.]

Mr. STAFFORD. My amendment provides only for the sale of malt sirup used in the manufacture for home use of nonintoxicating beverages.

Mr. BLANTON. The gentleman knows that if that malt sirup would not produce intoxicating beer the people would not buy it and it would not be sold.

Mr. STAFFORD. The fact is that it does not produce anything else but nonintoxicating 3 per cent beer.

Mr. BLANTON. The gentleman would not have it in Wisconsin if it did not intoxicate. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Texas will be withdrawn.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. Gentlemen, the amendment offered by the gentleman from Wisconsin can not be refuted by any logical reasoning in the face of the existing enforcement law. A provision is in the law now which permits the making of fruit juices for home consumption, not intended for sale and not intoxicating in fact, and that provision was written by Wayne Wheeler, former head of the Anti-Saloon League, given to the Committee on the Judiciary, and put into the law. Since that time you have not only had court decisions but you have had a recent ruling by the Department of Justice holding that the sale of concentrate wine juices are lawful. That being so, I ask any lawyer or any chemist how they can reconcile opposition to exactly the same chemical process in using malt extract for beer instead of concentrate grape juice for wine.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. The report discusses the ruling of the department on home wine making and juice concentrate, a subject which has just been discussed here. The report admits that the Government has acquiesced in the construction that home wine making is not illegal, but the report states—page 58:

* * * it would seem that section 29 as its construction is now acquiesced in, is a serious infringement on the policy of section 3.

In other words, the department's lenient attitude is absolutely out of harmony and a violation of the Volstead Act.

Mr. LAGUARDIA. But it is there. Section 29 is in the law, and I believe it implies the legality of malt extract as much as grape juice.

Mr. O'CONNOR of New York. But it is a discrimination.

Mr. LAGUARDIA. Yes; against malt extract. That being so, you can not argue against the use of concentrate malt. And let me say this to you: Concentrate malt itself is legalized in certain States to the extent of being taxed. In the State of our genial friend the ranking minority member of the Committee on Appropriations [Mr. BYRNS], the State of Tennessee, they use so much malt extract that they have placed a State tax on it; and the State has quite an income from that tax and, believe me, they use it. They do not buy it to put on flapjacks. [Laughter.]

I submit, gentlemen, you have this malt extract legalized by being taxed in Tennessee and some other States that I can not recall at this moment, and you have article 29 of your enforcement law permitting the use of concentrate grape juice. Let us be consistent.

I am sure this amendment will do a great deal to reduce the number of arrests, the number of trials; and it will do more than anything else to reduce the consumption of hooch, moonshine, and whisky.

I can understand every Member from the great State of Iowa, which is producing corn sugar, voting against this amendment. I can understand that because they may feel they want to protect home products. Iowa corn sugar is being produced in greater quantities each year, since prohibition, and going into moonshine. The present administrator of prohibition is my authority for that statement. But I appeal to you drys. If you are against the use of hard liquor, if you are against the use of poisonous liquor, if you are against the use of whisky, vote for the amendment of the gentleman from Wisconsin, and you will do more to-day for the cause of temperance than prohibition has done in the last 10 years.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. LAGUARDIA. I yield.

Mr. LINTHICUM. The gentleman omitted to say that Michigan also has one of those laws that taxes malt, and from that law they got $1,700,000 last year.

Mr. LAGUARDIA. I thank the gentleman.

Mr. SCHAFER of Wisconsin. Also Georgia and about seven other southern States.

Mr. CLANCY. Mr. Chairman, the very fair and very able chairman of the subcommittee in charge of this bill, the gentleman from Pennsylvania [Mr. SHREVE], has said that these sections do not apply to prohibition, and yet these sections are for the yearly appropriations for salaries and expenses of the Attorney General and his staff, whose duty it is to enforce the dry laws.

When the issuance and control of permits for industrial alcohol was transferred from the Treasury Department to the Department of Justice, with a sort of dual control, I opposed that measure just as strongly as I could, and the drug manufacturers and the druggists of the Nation also opposed it, because they said that from their experience the Department of Justice would be very unfair and very harsh in handling legitimate industry. I will say they have been more than that. They seem to have indulged in sharp practice and they have indulged in what may possibly be dishonest and dishonorable practices. I offer some evidence on that.

During the primary campaign in Michigan last summer we learned from certain sources at Detroit that a part of the staff directly handling permits was to be transferred to Cincinnati. As our State is the center of the drug industry of the world and of many other leading industries, such as automobiles, paints, oils, varnishes, toilet preparations, which use yearly millions of gallons of industrial alcohol, some of these manufacturers protested and we wired to Washington, including a number of Representatives of the House and at least one Senator from Michigan, protests against this action. We received telegrams and letters assuring us that the office would not be placed in such a condition that the permits would not be issued as rapidly as theretofore.

As a matter of fact, it seems that these were political letters and telegrams, because apparently the dry people feared the effect of a transfer of the office during a campaign upon the fortunes of certain drys who were running for office in Michigan.

Now, these honest and legitimate people who formerly got needed alcohol in 1 day, or 2 days, or 3 days through the Detroit office, because of the transfer to Cincinnati, on the average, have had to wait 36 days for their industrial alcohol permits. That is very unjust and a serious handicap.

I cited during that debate last summer the case of the Henry Ford Hospital, which could not get a small amount of alcohol for a medicinal prescription which was to be put up by one of the most ethical drug manufactories in the world, Parke, Davis & Co., of Detroit. This was for a man who was suffering from a peculiar malady, and the hospital needed this particular medicine, with alcohol as an ingredient.

Doctor Doran acted as the go-between with the Department of Justice, which had the last word, and I would like to know the man whose salary and expenses we are now appropriating for who misled Doctor Doran, because I do not think that Doctor Doran is the guilty person. Doctor Doran said in a letter to me, over his own signature:

> I have made arrangements whereby all withdrawal permits will continue to be handled directly in Detroit for the entire State of Michigan as heretofore.

Under the old system, guaranteed to be continued, there was less delay in granting permits. The manufacturers could go to the Detroit office and explain just what the alcohol was for and get the permit. Now the application goes to Cincinnati or to Washington and much delay and trouble ensues.

Similar letters and telegrams of assurance were sent to Senator VANDENBERG and Representative MCLEOD, and they do not feel any too good about it.

We have also seen this same sharp practice and similar practices verging on dishonor and dishonesty in the Treasury Department when they were trying to enforce the prohibition act. They invented two fake laws on the Detroit River. One of them was that a motor boat and other small boats had to carry a certificate of title, when they are not required to do this under the law any more than you Members here are required to carry a certificate of title for your watch in order to prove to some detective or policeman that you did not steal it. They actually assessed a fine and collected money under another fake law, and I made the Treasury Department return the money. This fake law was that a small boat returning from Canadian waters or any point on Canadian land, without aliens and without merchandise, had to report to a port of entry or a custom officer. The law exempted them from that nuisance.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I rise only for the purpose of saying that this is a very ingeniously drawn amendment. Without entering into a lengthy discussion of what might be the legal effect of this amendment, I will say that in my judgment it might raise some very embarrassing questions in the enforcement of the prohibition law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken; and on a division (demanded by Mr. STAFFORD and Mr. BLANTON) there were—ayes 26, noes 106.

So the amendment was rejected.

The Clerk read as follows:

Bureau of Prohibition.

Mr. CLANCY. Mr. Chairman, I move to strike out the last word. The gentleman from Wisconsin has referred to Mrs. Willebrandt's activities, a high-priced saleswoman or advance sales agent for the sale of grape juice and grapes to be transferred into intoxicating beverages.

I wish to call to your mind that it was Mrs. Willebrandt who had an innocent man sentenced by a Federal judge to a Federal prison to spy upon the warden of that prison. I think the wronged person was the warden at Leavenworth,

and when he learned that the man was sending out secret messages he had him thrown out of the prison. It was Mrs. Willebrandt who put spies and agents of the Department of Justice from the Pacific coast to watch high Federal officials of the Treasury Department in Michigan. She was very active in wire tapping. I am told on good authority that it was she who ordered the tapping of telephone wires of the highest Federal official of Michigan, the collector of customs, and that they continued to spy and dog his steps during every hour of the night and day for a considerable period. This was without the consent or knowledge of the Treasury Department, I am told.

I introduced a bill at that time to outlaw wire tapping. We had a good many other wire tappings in Michigan, and I started a campaign against the practice and finally was informed the Attorney General disapproved the practice.

I gained the information that there would be no more wire tapping in Michigan, but I learn now that under Mr. Woodcock the wire tapping is in vogue again, although I am happy to say that the Attorney General did not approve of it; but Colonel Woodcock is for it and may have changed the Attorney General's mind.

Mr. SABATH. Will the gentleman yield?

Mr. CLANCY. I will yield to the gentleman.

Mr. SABATH. Is this item to pay Mrs. Willebrandt during 1928, when she was a representative of the National Republican Committee, holding meetings at various churches through the United States against the Democratic candidate for President, Mr. Smith, during which time she drew a salary as Assistant Attorney General?

Mr. CLANCY. I think the record will speak for itself.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CLANCY. I yield.

Mr. SCHAFER of Wisconsin. Perhaps the Democratic Party might have obtained the services of Mrs. Willebrandt if Raskob had owned and controlled that party as he does now. [Laughter and applause.]

Mr. CLANCY. I am not speaking from the partisan angle but from the angle of human rights and the sanctity and sacredness of the home. If a person in the Federal service can tap the wires of the highest Federal official in my State, he can tap the wires of a Member of the House of Representatives or the wires of a Senator or even the wires of the President of the United States. Justice Holmes of the Supreme Court has said that wire tapping is a "dirty" practice.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LaGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I am not concerned about the political activities of Mrs. Willebrandt or anybody else. I am never consulted or invited to strategic party councils, but in all fairness I want to say that if there is one official in the Department of Justice who did bring some reformation in our prison system it is Mabel Walker Willebrandt. [Applause.] And I want to say it right here. Why, gentlemen, there was no spy system introduced by Mrs. Willebrandt when she was Assistant Attorney General. The gentleman from Michigan should know that from time to time, with the knowledge and consent of the wardens, agents of the department are committed to the penitentiaries. The wardens do not know when the agent will be committed, but they do know that from time to time agents are committed. When the agent makes his report that report goes to the warden before the Attorney General sees it.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Not now. After the warden has made his comment, then it goes to the Attorney General and a conference is then held. It so happens that the warden at Leavenworth Penitentiary approved of every recommendation made by the person committed to his penitentiary, while the warden at Atlanta had conducted that prison so incompetently that he had no defense.

Men from the hospital there with contagious diseases were assigned to the kitchen, and a banker committed there for a violation of the national banking law was the warden's chauffeur, going out to roadhouses with him, and highly perfumed and scantily attired actresses were able to call on certain prisoners in the late hours of the night. Under such circumstances, I say that Mrs. Mabel Walker Willebrandt did a good thing in prison reform. Those were the conditions that existed at Atlanta at the time this matter was brought to my attention, and in that case, as in every other case that comes to my attention, I made a thorough investigation and I still have the records, and if the gentleman from Michigan [Mr. CLANCY] will take the time to ascertain what happened in Leavenworth where orgies were staged in the chapel of the prison and where favoritism was shown to certain prisoners, then he will agree with me in saying that when we have an official that has the courage to disclose these conditions and the ability to show things up, and to correct them, she should not be unfairly criticised for that splended service rendered to the department.

Mr. CLANCY. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLANCY. I would like to ask the gentleman from New York if he approves of Mrs. Willebrandt's wire-tapping activity?

Mr. LaGUARDIA. Of course not.

Mr. CLANCY. I would like to ask him if he is trying to convey to this House that it was with the consent, knowledge, and connivance of the warden at Leavenworth that this man was sent there through a fake court action and if he really believes that that man submitted his report on that prison first to the warden?

Mr. LaGUARDIA. Of course he did not.

Mr. CLANCY. It was the warden who detected that this man was sending out secret communications and the warden seized him and threw him out.

Mr. BOYLAN. Mr. Chairman, I think it is unfair to rise on the floor of this House and attack a man who has no chance to come back and defend himself. Because a Member has the right and the privilege to get up here and say what he wishes without being called upon to answer for it, I think it does not afford a reason why a Member should use that to attack another man and make a statement here that the man has no chance to refute. I was a member of the commission that investigated the Federal prisons of the United States, and I will say to the gentleman from New York [Mr. LaGUARDIA] who preceded me that when we reached Atlanta prison conditions were most deplorable, due to the fact that Government spies, undercover men sent by the Department of Justice, were undermining the morale of all of the prisoners, and due to this condition the prison was demoralized; and upon the protest of our commission to the Department of Justice they were taken out of there. The gentleman who was the warden at Atlanta was a Republican, but he was a man, a decent, upstanding man, a man against whom no charges have ever been made. I think it unfair, I think it against the spirit of American fair play to rise here and attack a man's reputation without giving him the opportunity of answering back. A most reprehensible condition existed and did exist at Atlanta prison, and was only remedied upon the protest of our commission to the Department of Justice.

The Clerk read as follows:

Salaries and expenses: For expenses to enforce and administer the applicable provisions of the national prohibition act, as amended and supplemented (U. S. C., title 27), and internal revenue laws, pursuant to the act of March 3, 1927 (U. S. C., Supp. III, title 5, secs. 281–281e), and the act of May 27, 1930 (46 Stat. 427), including the employment of executive officers, attorneys, agents, inspectors, investigators, supervisors, clerks, messengers, and other personnel, in the District of Columbia and elsewhere, to be appointed as authorized by law; the securing of evidence of violation of the acts; the cost of chemical analysis made by other than employees of the United States and expenses incident to the giving of testimony in relation thereto; the purchase of stationery, supplies, equipment, mechanical devices, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices; costs incurred in the seizure, storage, and disposition of liquor and property seized under the national prohibition act, including seizures made under the internal revenue laws if a violation of the national prohibition act

is involved and disposition is made under section 3460, Revised Statutes (U. S. C., title 26, sec. 1193); costs incurred in the seizure, storage, and disposition of any vehicle and team or automobile, boat, air or water craft, or any other conveyance, seized pursuant to section 26, Title II, of the national prohibition act, when the proceeds of sale are insufficient therefor or where there is no sale; purchase of passenger-carrying motor vehicles at a total cost of not to exceed $50,000 and not to exceed $1,000 each, including the value of any vehicle exchanged, and the hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles; and for rental of quarters; in all, $11,369,500, of which amount not to exceed $340,300 may be expended for personal services in the District of Columbia: *Provided*, That not exceeding $50,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other expenses in connection therewith: *Provided further*, That when liquor or property is seized pursuant to the national prohibition act and stored in an adjacent judicial district the jurisdiction of the court over such property in the district wherein it was seized shall not be affected thereby.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order on the paragraph, particularly directed to the two provisos on page 36, the first proviso beginning in line 1 on page 36, and reading:

That not exceeding $50,000 shall be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other expenses in connection therewith.

A further point of order is made against the next paragraph, commencing with line 6 and ending with line 10, to the language:

That when liquor or property is seized pursuant to the national prohibition act and stored in an adjacent judicial district the jurisdiction of the court over such property in the district where it was seized shall not be affected thereby.

Also, I make a point of order to the word "air" in line 15 on page 35.

If the committee will concede the three points of order, then I shall not insist upon my point of order on the entire paragraph, because they may reintroduce that.

The CHAIRMAN. The gentleman's point of order then goes to the word and provisos that he has mentioned, and not against the entire paragraph?

Mr. LAGUARDIA. I make three points of order, one against the proviso, commencing in line 1 on page 36; another against the proviso commencing on line 6, page 36; and another against the word "air," in line 15, page 35; but I do make my point of order against the entire paragraph, unless the Chairman is ready to concede the other three points of order.

Mr. SHREVE. Mr. Chairman, the paragraph beginning on line 1, page 36, and running down to line 6 has been carried in the Treasury appropriation bill, so that it is naturally incorporated here. I realize that that portion of the paragraph is subject to the point of order.

The CHAIRMAN. Can the gentleman from Pennsylvania [Mr. SHREVE] cite the Chair to the law covering the second proviso on page 36 and the word "air" in line 15 on page 35?

Mr. LAGUARDIA. Do I understand the chairman of the subcommittee concedes the point of order against the proviso commencing on line 1 and including line 5? Is that conceded?

The CHAIRMAN. The Chair so understands.

Mr. LAGUARDIA. Now, as to the next proviso, I submit that is purely legislation on an appropriation bill. It is conferring jurisdiction in rem on a court which under the existing law the court does not now entertain. Clearly that is legislation.

Mr. SHREVE. Mr. Chairman, this question has never been before the committee before, but upon a close examination I am satisfied that that portion of the paragraph to which the gentleman has just referred is also subject to a point of order.

The CHAIRMAN. What is the attitude of the committee as to the point of order directed against the word "air" in line 15, page 35?

Mr. SHREVE. That, of course, is intended to cover air vehicles, and it is assumed that when the law was passed, referring to the carrying of liquor in vehicles, it meant all kinds of vehicles, and aircraft comes within the rule the same as an automobile or a carriage. It is simply a means for conveyance of liquor from one section of the country to another, and it is clearly under that section of the act.

The CHAIRMAN. Can the gentleman cite the Chair to the statute on which the committee relies?

Mr. SHREVE. It will be found in section 26, title 2, of the national prohibition act.

Mr. BLANTON. Which applies to carriers.

The CHAIRMAN. Can the gentleman cite the section of the United States Code?

Mr. STAFFORD. I have a copy of that before me, Mr. Chairman, if the Chair would like to have me read it.

Mr. SHREVE. It will be found in the United States Code, title 26, section 1193.

Mr. STAFFORD. I have title 26 before me, in which specific reference is made to aircraft, if the Chair would like to have me read it.

The CHAIRMAN. The Chair is seeking information.

Mr. STAFFORD (reading):

When the commissioner, his assistants, inspectors, or any officer of the law shall discover any person in the act of transporting, in violation of the law, intoxicating liquor in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any—

And so forth.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the third point of order directed to the word "air," and I insist upon the other two points of order which, I understand, have been conceded.

The CHAIRMAN. As the points of order are conceded as to the provisos on page 36, the point of order directed to the entire paragraph is sustained.

Mr. LAGUARDIA. I withdraw the point of order to the entire paragraph, the other two points of order having been sustained.

The CHAIRMAN. The point of order is now directed to the two provisos on page 36, and as to those two provisos the point of order is sustained.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word to inquire if we may not have some arrangement as to the time for debate and offering of amendments to this section.

Mr. SHREVE. What arrangement would the gentleman from Maryland like to make?

Mr. LINTHICUM. I suggest that one and one-half hours be allowed to those offering amendments and opposed to the prohibition law. I do not see how all the discussion and offering of amendments can be had in less time than that.

Mr. SHREVE. And another hour and a half allowed to the gentlemen on the other side?

Mr. LINTHICUM. That is entirely with them. We will require that much time.

Mr. SHREVE. I would like to hear what the gentleman from Alabama [Mr. OLIVER] has to say.

Mr. OLIVER of Alabama. I thought there was a tentative understanding that two hours should be devoted to the discussion of the amendments, and I thought that was quite liberal. That time was to be divided equally between those favoring amendments and those opposed. I thought there had been a tentative agreement reached to which my friend from Maryland [Mr. LINTHICUM] gave assent.

Mr. LINTHICUM. I do not know whether it could be called a tentative arrangement or not, but there have been so many seeking time to debate the question and to offer amendments that I do not see how it is possible to do it in less than one hour and a half for those opposed. I think we will really save time because the parties who want to discuss it will come in under amendments to strike out the last word.

Mr. SHREVE. We must finish this bill to-night on account of other pressing business, and it will be impossible to devote more than two hours to this section. Furthermore, on yesterday I understood two hours would be sufficient.

Therefore I ask unanimous consent, Mr. Chairman, that the debate on the paragraph relating to prohibition and all

amendments thereto be limited to two hours, the time to be divided equally between those favoring and those against amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. SHREVE]?

There was no objection.

Mr. O'CONNOR of New York. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. Do I understand that under that arrangement any person rising must get recognition from the Chair and must state to the Chair on which side of the question he wishes to speak before he secures time?

The CHAIRMAN. The Chair will undertake to ascertain on what side gentlemen wish to speak, and to divide the time equally between those for and those opposed to the provisions of this paragraph.

Mr. O'CONNOR of New York. As to the first gentleman rising, how much time does the Chair propose to allow him?

The CHAIRMAN. Five minutes unless by unanimous consent the time is extended.

Mr. TINKHAM. Mr. Chairman, I offer an amendment to the bill, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TINKHAM: Page 36, line 10, after the word "thereby," insert——

Mr. HUDSON. Mr. Chairman, I make a point of order against the amendment. Those lines have been stricken from the bill.

The CHAIRMAN. The gentleman from Massachusetts evidently wants his amendment to appear at the top of the page, after the word "Columbia."

Mr. TINKHAM. That is correct.

The CHAIRMAN. Without objection, the Clerk will report the modified amendment.

There was no objection.

The Clerk read as follows:

Modified amendment offered by Mr. TINKHAM: Page 36, line 1, after the word "Columbia," insert *"Provided,* That no part of this appropriation shall be used for the tapping of telephone or telegraph wires."

Mr. TINKHAM. Mr. Chairman, with unanimous consent, I desire to proceed for 12 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 12 minutes. Is there objection?

Mr. O'CONNOR of New York. Mr. Chairman, reserving the right to object, may I ask the Chair if the additional seven minutes will be taken out of the hour?

The CHAIRMAN. They will be taken out of the hour. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Chairman and gentlemen, proceeding to support my amendment, I desire to read a part of the decision of the Supreme Court in the case of Olmstead *v.* The United States (177 U. S. 438). Justice Brandeis, dissenting in a 5 to 4 decision, stated:

The evil incident to invasion of the privacy of the telephone is far greater than that involved in tampering with the mails. Whenever a telephone line is tapped, the privacy of the persons at both ends of the line is invaded and all conversations between them upon any subject, and although proper, confidential, and privileged, may be overheard. Moreover, the tapping of one man's telephone line involves the tapping of the telephone of every other person whom he may call or who may call him. As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wire tapping.

* * * The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment. And the use, as evidence in a criminal proceeding, of facts ascertained by such intrusion must be deemed a violation of the fifth.

* * * And it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

Decency, security, and liberty alike demand that Government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.

Justice Holmes, also dissenting, said:

* * * It is desirable that criminals should be detected, and to that end that all available evidence should be used. It also is desirable that the Government should not itself foster and pay for other crimes, when they are the means by which the evidence is to be obtained. If it pays its officers for having got evidence by crime, I do not see why it may not as well pay them for getting it in the same way, and I can attach no importance to protestations of disapproval if it knowingly accepts and pays and announces that in future it will pay for the fruits. We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part.

For those who agree with me, no distinction can be taken between the Government as prosecutor and the Government as judge. If the existing code does not permit district attorneys to have a hand in such dirty business it does not permit the judge to allow such iniquities to succeed. See Silverthorne Lumber Co. *v.* United States, 251 U. S. 385. And if all that I have said so far be accepted it makes no difference that in this case wire tapping is made a crime by the law of the State, not by the law of the United States. It is true that a State can not make rules of evidence for courts of the United States, but the State has authority over the conduct in question, and I hardly think that the United States would appear to greater advantage when paying for an odious crime against State law than when inciting to the disregard of its own. I am aware of the often-repeated statement that in a criminal proceeding the court will not take notice of the manner in which papers offered in evidence have been obtained. But that somewhat rudimentary mode of disposing of the question has been overthrown by Weeks *v.* United States, 232 U. S. 383, and the cases that have followed it. I have said that we are free to choose between two principles of policy. But if we are to confine ourselves to precedent and logic the reason for excluding evidence obtained by violating the Constitution seems to me logically to lead to excluding evidence obtained by a crime of the officers of the law.

In these opinions of the two Massachusetts judges beat the heart and spoke the spirit of James Otis. James Otis laid the cornerstone of the foundation of our liberty. He was the first leader of the American Revolution. The fourth and fifth amendments of the Constitution are the crystallized results of his contribution to American liberty. It was James Otis who first protested in Massachusetts against writs of assistance, which did not name either the place to be searched or the person to be seized, demanding that there should be no longer such tyranny against the person by the Government. The spirit of James Otis and of Massachusetts spoke in those two decisions. Massachusetts hates the tyrant and despises tyranny, whether foreign or domestic. She always has and she always will.

I now wish to read to you certain evidence placed before the very subcommittee which is now reporting this bill, given by the Director of the Bureau of Investigation, another bureau of the Department of Justice. When Mr. Hoover, Director of the Bureau of Investigation, was before the subcommittee on December 2, 1929, I asked him if any of the appropriations for the Bureau of Investigation was spent for wire tapping. He replied:

No, sir. We have a very definite rule in the bureau that any employee engaging in wire tapping will be dismissed from the

service of the bureau. While it may not be illegal, I think it is unethical and is not permitted under the regulations by the Attorney General.

This may be found on pages 63 and 64 of the hearings on the Department of Justice appropriation bill for 1931.

What is unethical for the Bureau of Investigation is unethical for the Bureau of Prohibition. [Applause.] Men are dismissed in one division of this department for wire tapping, whereas men in another bureau of this department are encouraged to engage in this very practice.

This amendment should be adopted, unless this committee desires to go on record as approving one of the most contemptible and despicable practices that can be perpetrated by a free Government. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. SCHAFER of Wisconsin. I am in favor of the amendment.

The CHAIRMAN. Is any Member seeking recognition who is opposed to the amendment?

Mr. BECK rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. BECK. I rise to favor the amendment, but I am willing to wait until some one opposes it.

The CHAIRMAN. If no one seeks recognition in opposition to the amendment, the Chair will recognize the gentleman from Pennsylvania in favor of the amendment.

Mr. BECK. Mr. Chairman, ladies and gentlemen of the committee, I had intended some days ago to ask the indulgent attention of the House to a discussion of this amendment, because it seemed to me it rose far above the ordinary merits of the wet and dry question and very vitally affects the honor of our Nation, but when I consulted that vast necropolis of buried oratory, the CONGRESSIONAL RECORD, I saw that my learned friend from Wisconsin [Mr. SCHAFER] had anticipated much I had intended to say, and now I am doubly anticipated by the preceding speaker, who has voiced the protest of the historic Commonwealth of Massachusetts against what above all men, James Otis, if he had any familiarity with the telephone, would have entered a protest. But I do want to say just a word, if you will indulge me, about that Supreme Court decision. I mean Olmstead against the United States.

In this case it had developed that the prohibition agents for a period of "many months," to use the expression of the Chief Justice, had tapped many wires in the city in question—I imagine it was Seattle—and had thereby taken not merely messages that related to a crime which was indubitably proved against the prohibition law, but thousands of messages that must have passed over those wires that had no reference whatever between the speaker and the auditor to any possible violation of law.

The Supreme Court rendered its decision by 5 to 4 that in view of the fact that the telephone was not in the contemplation of the framers of the Constitution, that it was not an "unreasonable search and seizure" within the meaning of the Constitution; but four Justices dissented, and from two of them quotations which are very striking have already been made.

This decision excited more hostile comment in this country, I venture to say, than any decision that I can recall since the income tax cases. The whole moral sense of the Nation, whether it was composed of wets or drys, arose in protest against a proposition to which they thought, erroneously, the Supreme Court had given its solemn sanction, namely, that in pursuing violations of the prohibition laws that every telephone wire or telegraph wire, and of necessity the very mails themselves, could be intercepted and seized at the sole and irresponsible discretion of the prohibition officers. The Supreme Court had decided nothing of the kind. They had simply said that although it was unethical, it nevertheless did not constitute an unreasonable search and seizure, and you have heard the opinion of the dissenting judges and how fateful and forceful upon the ears of this Congress should fall the words of that venerable Justice now nearing 90 years of age, Oliver Wendell Holmes, who said that the business, to use an ordinarily unjudicial expression, was "dirty business"; and mindful of the fact that 28 States at least of the Federal Union had forbidden the tapping of telephone wires, he said it was an "odious crime," as it had been an odious crime in the State in which the case arose.

And, therefore, you have a condemnation of wire tapping, about which there is no division of opinion, and it is quite obvious, if you will read Chief Justice Taft's opinion, that he almost invited the action of this body to prevent forever by a statute any such indefensible violation of the ordinary decencies of private life as is involved in allowing any one of the prohibition agents to tap your wire, to listen to everything you may say, messages of love and affection and of sacred confidence, or of the most intimate, confidential business—to allow one man, not for an hour or for a minute or for a day but, perchance, for a year, to tap your telephone wire.

Suppose one of the prohibition agents thinks that a Member of this House is violating the law and he simply taps the wire and for months takes down, stenographically, and reveals to the Department of Justice everything you have said, not merely upon this question of whether you are in violation of the prohibition laws but any question no matter how sacred it may be.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BECK. Could I ask for a few additional minutes—three minutes?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. BECK. I thank you, gentlemen. I do not think I should have asked it, for I forgot the time limitation upon the entire debate. But I will simply say this. I have been an old prosecuting officer, I have been assistant district attorney, United States district attorney, Assistant Attorney General, and Solicitor General, in all four of which capacities, running over a period of nearly 40 years, I have been brought in active touch with the Federal prosecution of crimes, crimes against the Federal laws. We would have disdained—pardon me if I say it, because I am appealing to the reason of the drys just as much as the wets, and I do not want to offend them—but we would never have dreamed, until the moral fanaticism that is behind the enforcement of the eighteenth amendment arose, that any Federal officeholder would be sanctioned in violating the laws of the State; and, above all, violate the fundamental decencies of human life by doing what was revealed in the Olmstead case, and which can happen to any Member of this House or to any man, woman, or child in this country.

And, if you will allow me, I am going to tell you a very striking story that illustrates this danger of tapping wires. I was told this story in Italy. I do not know whether it is true or not. I imagine it is not true, but it will serve as an illustration. A playful American girl was talking to another young girl, who was also a tourist in Italy, from a hotel in Rome, and one of them said to the other, "Will you lunch with me to-day?" and the other jocosely said, "No; I have a date with Mussolini." Within two hours the police of Italy were at the door of that hotel. She was asked whether she had said it, and when she admitted a harmless joke, she was told to get out of the country within 24 hours. [Laughter.] When she pleaded that it was nothing but a schoolgirl prank, their answer was, "Our orders are to have you out of this country in 24 hours."

Again to quote the words of Oliver Wendell Holmes, such "dirty business" as intercepting telephone messages ought not to be countenanced, no matter how worthy, no matter how splendid the prohibition cause may be. You of the drys should say "Non tali auxilio"—not with such methods will we vindicate what we regard as a great and a noble principle of government. No principle of government can

be so noble as to justify what the Supreme Court, through one and the most venerable of its Justices, has called "dirty business"; and if I may say one further word, I would say that this amendment would be an insult to the executive department if we had not the declaration of the prohibition administrator to the Judiciary Committee in favor of wire tapping and, presumably, proposed to authorize his subordinates to use such methods. The danger is real and present. It might conceivably be to your wire, it is to every wire, it is a danger that is destructive of that which is fundamental in human life, namely, the privacy of one's home life. [Applause.]

Mr. FINLEY. Mr. Chairman, I offer the following amendment as a substitute for the amendment of the gentleman from Massachusetts [Mr. TINKHAM].

The Clerk read as follows:

Strike out all of said amendment and insert the following in lieu thereof, to wit:

"Whenever, in the judgment of the Department of Justice, there are reasonable grounds to believe that, in any community in the United States, moonshiners, bootleggers, racketeers, officers of the law, politicians and/or other ladies and gentlemen are violating, or conspiring to violate, the Volstead law, said Department of Justice shall forthwith dispatch an accredited agent to the community who, immediately upon his arrival in said community, shall cause to be printed in a local newspaper of general circulation therein the following notice: 'To whom it may concern: All bootleggers, moonshiners, racketeers, officers of the law, and/or other ladies and gentlemen who are violating, or conspiring to violate, the Volstead law are respectfully invited to come to my room in the ——— Hotel and tell me all about it.'

"The evidence thus obtained by said agent shall be competent and admissible in any court in any prosecution of any moonshiner, bootlegger, racketeer, officer of the law, politician, and/or other lady or gentleman for alleged violation of said law. And no evidence obtained in any other way shall be competent or admissible.

"The traveling expenses of said agent to and from such community, his hotel bills, and the cost of printing said notice shall be paid by the agent and refunded to him from fines and forfeitures imposed and collected upon the evidence thus obtained by him in said community."

Mr. LAGUARDIA. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. The amendment offered by the gentleman from Massachusetts is a limitation on an appropriation bill. The substitute offered by the gentleman from Kentucky is not a limitation, it is legislation.

The CHAIRMAN. The Chair sustains the point of order on the ground that it is legislation on an appropriation bill.

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen, you have listened to two very impassioned appeals by two distinguished lawyers, and I recognize that they base their appeals on the dissenting opinion of four of our Supreme Court judges.

I can not believe, however, that you as practical men will be so swayed by these appeals as to provide that the tapping of wires under no conditions can ever be justified. You will not lend an absolute sanction to the use of wires for unlawful purposes, and thereby give protection and aid to criminals in the perpetration of serious crimes. Let us remember that the majority opinion of the United States Supreme Court in the case cited holds that neither at common law nor by any Federal statute is it unlawful to tap wires that are being used unlawfully, and that it is not an invasion of the home, as the two gentlemen who preceded me have sought to make it appear.

I want to say this to you as practical men: You are assuming that by tapping the wires we are violating the security of the home, violating the provision that protects the home against unlawful search or seizure without a warrant, based on an affidavit showing probable cause.

Here is a party sitting in his home engaged in a conspiracy with another a thousand miles away, conspiring to commit a felony, let us assume. A party a thousand miles away has reasonable cause to believe that there is being transmitted through the air an unlawful message between conspirators attempting to violate the law and commit a felony.

Some one taps the wire and overhears the conversation. These gentlemen would have you believe that this is a privileged communication and that no court should be allowed to hear it, because it violates the provision, they say, against an unreasonable search of the home.

If you carry that to its logical conclusion, a man can send a wire from his home to a fellow conspirator and if it be unlawful to take it from the air a second before it reaches the conspirator miles away at the other end, then I submit you could never secure that message because, forsooth, it is privileged, they assert.

I can not imagine that you will for a moment consider that there are not cases where you would be lawfully justified in tapping the wire.

Take the case of a little girl abducted in the State of California, kept for a number of days, and later her mutilated form brought and left on the streets of a great city. Suppose you or some lawful agent of the Government had been informed that the abductor far away in the mountains was in telephonic communication with some one back in the city. Would you or any lawful agent of the Government for a moment have hesitated to tap the wire and secure the whereabouts of that innocent victim?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. I ask for three minutes more.

The CHAIRMAN. The gentleman asks that his time be extended for three minutes. Is there objection?

Mr. BLANTON. Reserving the right to object, and of course I shall not object, as I am heartily supporting his position, will the gentleman tell us if it is not a fact that the Government daily, almost, intercepts letters through the United States mail sent by parties violating the law, and also, does the same with respect to telegraphic messages sent by violators of the law?

Mr. OLIVER of Alabama. Unquestionably; but I referred to the California case, because you know no objection would ever have been heard if wires in such a case had been tapped, and the life of that innocent girl saved by reason of it. But when you come to discuss enforcement of the prohibition law, champions of the offenders rise and seek to lend protection and aid to racketeers, murderers, illicit sellers of liquor, and their like, who are often banded together to violate all laws by means and methods unusual, devious, and hard to detect. Such offenders are grouped together to bring about a condition that might, if you please, undermine the Government itself, yet we are asked to deny to the Department of Justice, charged with enforcing the law, the right to listen in on criminal conversations carried on over an important public utility. The weight and effect of evidence thus obtained, under the charge of the court, may properly be left to the jury.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. OLIVER of New York. Is it not a fact that the Attorney General, Mr. Mitchell, said that he would discontinue wire tapping because he regarded it as unethical?

Mr. OLIVER of Alabama. My understanding is that the Attorney General has never said that, but the Attorney General has approved the appropriations here asked for to enable the Department of Justice to assist in enforcing the prohibition laws. He is aware, I am sure, of the statement made to our committee by Mr. Woodcock; and knowing him as I do, and remembering his conservative statement before the committee, I believe that if the law remains unchanged, as declared by the highest court, that he may perhaps prescribe that before any unusual steps are taken to secure evidence the approval of the director of the bureau or probably of the department itself must be had; but I can not imagine this House undertaking to stifle, as it were, Government officials in their efforts to uncover the most serious and insidious violations of the law.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent that he may be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman from Alabama believe that the Legislature of the State of Alabama was wrong when it passed section 5256 of the code, making it unlawful to tap telephone wires?

Mr. OLIVER of Alabama. I shall answer that question because it is a fair question. I am familiar with that section of the statute, and I heard the gentleman quote it on yesterday. The gentleman must know that laws in the States which prohibit wire tapping were made for a good purpose, namely, to prohibit the unlawful tapping of wires when the wires were being lawfully used; and if he will examine the legislation referred to, he will find that to be so. What, think you, were reasons that gave rise to the passage of statutes like that? They were passed because persons had been tapping wires and making unlawful and fraudulent use of the information thus obtained, and such acts were passed to prevent the unlawful use of information thus unlawfully obtained by tapping wires when the wires were lawfully used. [Applause.] There are reasons underlying every law, and the man who undertakes to merely read the law and not understand the underlying reasons therefor is himself being imposed upon, and can not be depended on to suggest its sound application.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LAGUARDIA. Where would the gentleman draw the line in respect to lawful and unlawful use of the wires?

Mr. OLIVER of Alabama. I said a few moments ago that it is a matter that must largely address itself to the courts and to the juries, under proper instructions. The gentleman from Wisconsin [Mr. SCHAFER] referred to an Alabama statute, and it would be for the jury under the charge of the court to determine whether in any given case the tapping of wires was a violation of the State law. I do not think you will ever find in Alabama any lawful agency of the State, whether it be court, grand jury, or petty jury, that will seek to indict a lawful agent of the Federal Government when he is taking from the air messages sent through the air in aid of the commission of serious crimes. [Applause.]

Mr. O'CONNOR of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. O'CONNOR of Oklahoma. As I understand you, it is all right to tap the wires, because they are being unlawfully used.

Mr. OLIVER of Alabama. The gentleman knows how stock gamblers and others have tapped wires in the past and used the wires so tapped to rob people of millions of dollars. That is one reason why some State statutes were passed and other sound reasons will be found that prompted other State statutes. No State statute against wire tapping was ever passed to protect criminals or the unlawful use of wires for the commission of serious crimes.

Mr. O'CONNOR of Oklahoma. I did not complete my question. My question is this: From the gentleman's position it is all right to tap the wire because the wire is unlawfully used, but the man who taps the wire must first tap it to find out whether it is lawfully or unlawfully used, and then, if it is not being unlawfully used, what about the other fellow whose wire has been tapped?

Mr. OLIVER of Alabama. The gentleman is assuming something which is not likely to arise.

Mr. O'CONNOR of Oklahoma. I think we both are.

Mr. OLIVER of Alabama. I am basing my assumption on facts that will appear when the evidence is offered, since evidence so offered will disclose whether the information obtained by tapping the wire was being transmitted for unlawful purposes.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. TINKHAM. The gentleman is aware that the Director of the Bureau of Investigation testified that the Attorney General had made regulations forbidding wire tapping so far as employees of his bureau were concerned. He also is aware that under that bureau come the prosecutions of all crimes against the Government. I ask the gentleman why he thinks that in relation to prohibition something which has been declared unethical and improper in relation to all Federal crimes should be approved by this House.

Mr. OLIVER of Alabama. That is a fair question, and the gentleman is correct in what he states occurred between him and the Director of the Bureau of Investigations, Mr. Hoover; yet this should be said: I will not quote the person with whom I conversed, but I have conversed with officials high in authority in the Department of Justice and I know they are upholding Mr. Woodcock in the statements he made before our committee. There was an order such as the gentleman has referred to, made by Attorney General Sargent, which has not been modified. I venture to predict, however, unless there is legislative direction to the contrary, that you will find it modified and that a uniform policy will obtain in reference to every enforcement agency in the Department of Justice; and it will not be out of line with what Mr. Woodcock stated would be his policy in administering this law. [Applause.]

Mr. BECK. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. BECK. I want to ask the gentleman, before he concludes his very interesting address, one question which I admit is extreme; but sometimes extreme questions test the soundness of any doctrine. Suppose a very rabid prohibition director would conceive it to be his duty to find out which, if any, Members of this House were violating the prohibition law, and suppose that he would thereupon, in order to segregate the goats from the sheep, proceed to tap the wire of every Member of the House, not for days but for months, and take down stenographically everything that the Member of the House said; would my friend from Alabama think that was within the spirit of the fourth amendment to the Constitution which forbids unreasonable searches and seizures?

Mr. OLIVER of Alabama. In the first place, I do not think the assumption which the gentleman makes the basis of his question will ever exist. In the next place, I have answered the gentleman by saying that I feel we can repose confidence in a distinguished lawyer, who has a recognized standing at the bar. The Department of Justice, I think, is headed by such a lawyer, and I think he has selected for the Prohibition Bureau a lawyer of excellent ability and one who will enforce the law according to ethical standards. I do not think the gentleman from Pennsylvania [Mr. BECK] need fear any abuse in the exercise of legal discretion vested in the Department of Justice in matters of this kind. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. SCHAFER of Wisconsin. I am in favor of the amendment.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry or a matter of information. Can the Chair state how much time has been used on each side?

The CHAIRMAN. There has been 15 minutes used for the proponents of the paragraph and 20 minutes used by those against.

Mr. SCHAFER of Wisconsin. Mr. Chairman and members of the committee, several days ago I addressed the House at considerable length, setting forth the reasons why I am supporting the Tinkham anti-wire-tapping amendment which is now pending.

We can not approach a vote on this amendment from the standpoint of a wet or a dry. If the Bureau of Investigation of the Department of Justice, having charge of investigating violations of a multitude of criminal laws, the most flagrant violations of the most drastic laws we have, has been able to function and function properly without wire tapping, I believe that the Prohibition Department can do so unless we take the position that the prohibition laws can not be enforced.

The gentleman from Alabama, who just preceded me, indicated he had an understanding that the present Attorney General would issue an order permitting wire tapping by the Bureau of Investigation. I want to briefly quote from the present Attorney General's statement, the statement of Mr. Mitchell, before the Committee on Expenditures in the Executive Departments during the hearings on the prohibition consolidation bill last session, page 73, in which he testified as follows:

> I make the general comment, Mr. Congressman, that the Department of Justice stands for lawful methods of law enforcement and we always have.

Mr. Chairman, 29 States of this Union have adopted State laws making it either a misdemeanor or a felony to tap telephone or telegraph wires, and I can not understand how a Member of Congress from a State which advocates State rights can rise on the floor of this House and oppose this amendment, particularly when his own State makes it a crime to tap telephone and telegraph wires.

The States having laws prohibiting the tapping of telephone or telegraph wires are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Michigan, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

I desire to call to the attention of the Members of this House a line of the President's message when he transmitted the Wickersham report to Congress, in which it is stated:

> It calls attention to the urgency of obedience to law by our citizens—

And so forth.

If you want to follow that recommendation which was approved by every member of the Wickersham Commission, stand up when the roll is called and vote for the Tinkham antiwire-tapping amendment.

Mr. Chairman, in Cincinnati, Ohio, the home of our beloved Speaker, to-day, nefarious wire-tapping prohibition agents have been tapping telephone wires and conniving with private detective agencies in that unholy practice, notwithstanding the fact that the State code of Ohio provides for a 3-year jail sentence for tapping telephone and telegraph wires. How can you teach obedience of law to our citizens in these days of prohibition frenzy when we stand on the floor of this House or sit idly by and permit prohibition-enforcement agents to flagrantly violate the penal provisions of 29 States of the Union?

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield.

Mr. OLIVER of Alabama. I think the gentleman is aware of the fact that when you come to enforce the criminal law, criminal intent and unlawful purpose are elements always to be taken into consideration.

Mr. SCHAFER of Wisconsin. If you had knowledge and evidence of the violation of law, or of criminal intent, it would not be necessary to tap a telephone wire to obtain it. I am thinking of the millions of our free people who have been subjected to an unbearable, despicable espionage system, not equaled by the tyranny of the most medieval and backward despotism. I urge you, be you in favor of or opposed to the eighteenth amendment and the laws enacted thereunder, to stand up and vote for the amendment offered by our distinguished colleague from the great Commonwealth of Massachusetts, and help preserve those sacred rights and liberties, the heritage of our forefathers for the millions yet unborn, and prevent their crucifixion on the prohibition cross. [Applause.]

Mr. FINLEY. Mr. Chairman, I rise in opposition to the amendment.

I think the amendment which I sought to introduce a little while ago by way of a substitute created some amusement, but let me say the attitude of the wets on this floor has been amusing me since the beginning of this session much more than my amendment amused them.

They know—or they ought to know—that the prohibition enforcement department is coming in contact with the most desperate and the most cunning criminals not only in the United States but probably in the world, men who go around the country armed with sawed-off shotguns, revolvers, machine guns, and every known apparatus for the destruction of human life and intended to make them safe in the violation of this law. I have yet to hear—and I have listened with very great earnestness—one wet on this floor suggest any kind of evidence that would be acceptable to them for the prosecution of any moonshiner, bootlegger, officer of the law, politician, or other lady or gentleman who has been violating the prohibition law or suspected of it. [Applause.]

I am rising here now—and this is the principal purpose for my getting upon my feet—to ask whether or not it is true that—

> No man e'er felt the halter draw
> With good opinion of the law.

Is there any kind of testimony or is there any kind of evidence that you gentlemen would welcome, you gentlemen who have sworn to support the Constitution and the laws of this country? Is there any kind of evidence you would welcome in the conviction of these men who are violating this law and violating the Constitution of the United States? That is the purpose of my rising, and I propound that question to you gentlemen who represent the wet side on this floor.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. OLIVER of Alabama. If this amendment should carry, the Department of Justice agents could not make an affidavit that there was probable cause for believing that a party was unlawfully using the telephone or telegraph wires and they could get no kind of a writ that would authorize them to tap the wires, because this amendment absolutely prohibits the Department of Justice from in any way tapping the wires, yet the same agent could get a search warrant and go into a man's home and search his private property, but this would prohibit a search of the air 100 miles away, even if a search warrant was obtained on an affidavit based on probable cause.

Mr. FINLEY. I ask the question: What kind of evidence are you gentlemen willing to accept and would be willing to use in combating the activities of the best-organized, the most conscienceless, the most desperate and cunning combination of criminals this country has ever seen? I would like to have an answer. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. FINLEY. I yield.

Mr. SABATH. I answer the gentleman by saying that I for one believe that no wet is opposed to any evidence that is legally obtained, to be used against any criminal, not only against the man who may be guilty of taking a glass of beer or a glass of wine but against any criminal.

Mr. FINLEY. Has any wet on this floor, from the beginning of this debate to the present time, made any suggestion as to the evidence to be obtained?

Mr. SABATH. Oh, yes.

Mr. FINLEY. I challenge that statement. Not one. Every proposition has met with opposition, every single one.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM.]

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 75, noes 102.

Mr. LINTHICUM. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. TINKHAM and Mr. SHREVE.

The committee again divided; and the tellers reported that there were—ayes 78, noes 99.

So the amendment was rejected.

Mr. BACON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACON: On page 36, line 1, after the word "Columbia" and the colon, insert "*Provided*, That no part of the appropriation herein made shall be used to pay the salary, wages, per diem allowance, expenses, or other compensation, directly or indirectly, for the services of undercover agents, informers, or persons used solely for the purpose of entrapping persons to commit crime or to violate the law."

Mr. BACON. Mr. Chairman, this amendment is directed against the use of undercover agents used solely for the purpose of entrapping persons to commit crime in order to get evidence. This method has been used ever since the prohibition law was first enacted. This is easily demonstrated by the fact that there are many cases in the Federal courts and State courts dealing with the improper use of evidence obtained in this way. I have many cases in the Federal and State courts which hold that evidence of witnesses obtained by the entrapment of persons can not be used. In other words, these undercover agents incite people to commit crime in order to get evidence to be used in the enforcement of this law. Our hearings show that from July 1 to October 31, 1930, a period of four months, the sum of $36,036.50 was paid to 140 undercover agents.

My good friend from New York [Mr. LAGUARDIA] has collected a great many cases on this point. I have them here, but I am not going to take up the time to cite them. I do want to call the attention of some of the more extreme proponents of the dry cause in this House to what Mr. Justice Kenyon, of the Wickersham Commission, stated in his opinion:

Public sentiment against the prohibition laws has been stimulated by irritating methods of enforcement, such as the abuse of search and seizure processes, invasions of homes, and violation of the fourth amendment to the Constitution, entrapment of witnesses—

And so forth. Again he says:

That there have been abuses of search and seizure processes is without question; likewise as to entrapment of witnesses.

I am not offering this amendment to in any way hamper the enforcement of the prohibition law. I, however, would like to see this law enforced in a clean, decent, and legal way. [Applause.] To prove that I am not trying to hamper the enforcement officers, I wish to read from the testimony of Mr. Woodcock before our committee. Speaking of undercover agents, Mr. Woodcock said:

If the committee wishes to exclude all these fellows from employment, I would be perfectly satisfied.

Mr. BACON. Did I understand you to say you would be willing to have a proviso added to the appropriation bill to prohibit the money being used for this purpose?

Mr. WOODCOCK. Yes, sir; I would be.

I repeat again that I am offering this amendment in good faith and in line with Mr. Woodcock's own testimony before our subcommittee.

Mr. TUCKER. Will the gentleman yield?

Mr. BACON. Yes.

Mr. TUCKER. The gentleman is aware of the fact that a former official in that department, Mr. Andrews, indorsed the same doctrine.

Mr. BACON. I know that, and I recall very well that the gentleman from Virginia introduced an amendment similar to mine last year.

Mr. TUCKER. I did, and got, I think, about 4 votes in favor of it. [Laughter.]

Mr. BACON. Perhaps I can get more.

Mr. Woodcock goes on to say:

I again say I am speaking of personal opinion, which is in opposition to the majority of people of greater experience in this law, and I spoke with enthusiasm, perhaps, rather than discretion. I personally do not believe in this type of enforcement, but I yielded my judgment to the men who have actually been doing the work.

In other words, the officials who were taken over from the Treasury Department and who have been accustomed to employ undercover agents to induce people to commit a crime are still trying to use this same method of law enforcement in the Department of Justice. Mr. Woodcock, however, is brave enough and courageous enough to say that he would be glad to see this prohibited and would be willing to add this proviso which I have offered to the bill. He states that he does not believe in this kind of enforcement.

Mr. KENNEDY. Will the gentleman yield?

Mr. BACON. I yield.

Mr. KENNEDY. Will the gentleman tell us when those hearings were held?

Mr. BACON. These hearings were held about three weeks ago—within the month.

Mr. KENNEDY. Very recently?

Mr. BACON. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BACON. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Without objection, the gentleman is recognized for three additional minutes.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BACON. Yes.

Mr. OLIVER of Alabama. The gentleman is always fair, and I know he will state that Mr. Woodcock later said that the administration officers were not at all in agreement with him and that he would not go counter to them.

Mr. BACON. Yes; I read that. I read his whole statement on that point.

Mr. GRIFFIN. May I ask the gentleman what page of the hearings he read from?

Mr. BACON. Pages 110 and 111.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. BACON. Yes.

Mr. SMITH of Idaho. Does the gentleman contend that there is anything in the law itself requiring Mr. Woodcock to use such methods to secure evidence?

Mr. BACON. There is nothing in the law that requires it.

Mr. SMITH of Idaho. Is it not discretionary with him?

Mr. BACON. That is quite true, but it is a method that has been used by the Federal enforcement agents for the last 10 years as can be proven by the many times the courts have thrown out evidence obtained in that way.

Mr. SMITH of Idaho. If it is discretionary with him, why should he express a willingness to have it abolished by law?

Mr. BACON. Because they are still doing it, although Mr. Woodcock is completely opposed to it and has suggested regulations abolishing it. Again I will quote Mr. Woodcock in answer to my question:

Mr. BACON. Did I understand you to say you would be willing to have a proviso added to the appropriation bill to prohibit the money being used for this purpose?

Mr. WOODCOCK. Yes, sir; I would be.

Mr. SMITH of Idaho. Is he not in control of the enforcement of the prohibition law?

Mr. BACON. Unfortunately, he has been overruled.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. BACON. Yes.

Mr. LINTHICUM. The gentleman's amendment covers what is commonly known as stool pigeons.

Mr. BACON. It covers stool pigeons, another name for undercover agents, but only prohibits their employment in inducing persons to commit crime.

Mr. HUDSON. Will the gentleman yield?

Mr. BACON. Yes.

Mr. HUDSON. The gentleman stated that Mr. Woodcock had been overruled. The gentleman does not mean quite that. The gentleman means he has advised that other ways be used. He can not be overruled.

Mr. BACON. He has at least tried to bring this about but it has not been brought about.

Mr. HUDSON. He has advised against it. The statement he has been overruled is hardly within the facts.

Mr. BACON. He has not hesitated to give his opinion to our committee, and I offered this amendment without any intention of trying to hamper him in the enforcement of the law.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in every combine of liquor-law violators there is a master mind, and I understand these undercover men are used only in finding out who is at the head of the big organizations. They must apprehend the master mind. Unless they were able to use undercover men they could never discover the heads of the various liquor cliques in the United States and elsewhere. So it is absolutely necessary.

I want to call your attention to what the only member of the Wickersham Commission who did not sign the report says on the subject. Much has been said about only 10 members of the commission signing the report, and it has been intimated that because Mr. Monte Lemann, of Louisiana, is a wet and did not sign it he was giving some encouragement to nullification of the law. Here is what Mr. Monte Lemann says on that question, and I read from his signed statement on page 262 of the report:

> I do not favor the theory of nullification, and so long as the eighteenth amendment is not repealed by constitutional methods it seems to me to be the duty of Congress to make reasonable efforts to enforce it. * * *

Again, he says:

> I therefore concur in the recommendations that the number of prohibition agents, inspectors, storekeeper-gaugers, warehousemen, investigators, and special agents should be increased, as recommended in that report, with corresponding increases in the customs bureau and in the personnel and equipment of the Coast Guard.

This is the very extreme wet of the commission. He is not preaching nullification; he is not preaching hamstringing and hog-tieing the hands of the prohibition enforcement department. He says he is not a nullificationist. He is in favor of the enforcement of the eighteenth amendment until it is repealed by constitutional methods.

Mr. BECK. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Pennsylvania, who is afraid that every Congressman might have his wires tapped. I want to say that as long as a Congressman obeys the laws of this country he need not fear having an agent of the Government tap his wires. [Applause.]

Mr. BECK. I did not rise to meet that question, but desire to ask how many do? The gentleman from Texas, who is always forceful, has quoted from the Wickersham report again and again. I want to ask him, because I understand he was a distinguished member of the Texas judiciary at one time, if the foreman of his jury came into court and announced that the jury had agreed upon a verdict of guilty and then the jury was polled, and a large majority of the jury said "not guilty," how he would consider the verdict?

Mr. BLANTON. If every member of the jury signed the verdict except one, and that one came out in his own signed statement and said the defendant was guilty, I would say, "Go to the pen, old boy."

Mr. BECK. Then——

Mr. BLANTON. I am sorry I can not yield further. Every single member of that commission says they are against the old saloon, and that it does not stand for anything that is good, that the saloon stands for everything that is bad; and they say they are against it. That is so stated in the report. Whenever you repeal the eighteenth amendment it means the open saloon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BACON].

The question was taken; and on a division (demanded by Mr. BLANTON) there were 62 ayes and 101 noes.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> Amendment by Mr. CELLER: Page 36, line 1, after the word "Columbia," insert "*Provided*, That no part of the appropriation herein provided shall be used for the purposes of publishing and distribution of posters, monographs, books, pamphlets, or propaganda."

Mr. BLANTON. Mr. Chairman, I make the point of order that that language has already been stricken out of the bill.

Mr. CELLER. I do not think so.

The CHAIRMAN. The point of order is overruled, and the Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I shall take but little time to argue this proposition. Anyone who reads the testimony before the Appropriations Committee will come to the conclusion unquestionably that pamphlets, monographs, posters, and bulletins issued by the department of prohibition contain a tissue of falsehoods as to the so-called value of prohibition. It was proven clearly by the questions put to Mr. Woodcock, and his answers thereto, that he indulged in that which was nothing more or less than fraudulent statements as to prohibition.

I believe it is high time that we cease this folly of allowing an irresponsible official of the Government, willy-nilly, solely and only for purposes of propaganda, to spread these falsehoods throughout the length and breadth of the land in the interest of a law which can not be enforced. Go to any other bureau in the Government and see whether you can find any moneys for the purpose of enforcement of any statute pertaining to such bureau. Go to the Bureau of Standards, or to the Department of Agriculture and the Bureau of Pure Food and Drugs in that department. Do you find the heads of those bureaus asking for moneys for the purpose of educating people to abide by the statute? You find no such thing. Why should we make prohibition an exception? Is it not like a rope of sand—so ineffectual—giving money for the purpose of publishing these utterly false and useless documents? Every year for the past 11 years more and more money has been appropriated in this vainglorious attempt to teach people to be temperate. The people know that there is a species of intemperance in all the arguments put forth by the Prohibition Bureau. They will not obey. I repeat that this travesty, this folly, should cease, and I urge the serious consideration of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—yeas 45, nays 91.

So the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

> Amendment by Mr. LINTHICUM: Page 36, after the word "Columbia," in line 1, insert the following: "*Provided*, That no part of this appropriation shall be used for the establishment or maintenance of places for the illicit sale of liquor."

Mr. LINTHICUM. Mr. Chairman, and ladies and gentlemen of the committee, this is the amendment against the establishment of speak-easies by the prohibition officials to entrap policemen and citizens. I delivered an address here about a week ago in which I brought to the attention of this House the fact that the Government had established a speak-easy in the city of Indianapolis, that it had paid out money in rent, as admitted by the Director of Prohibition, Mr. Woodcock, and that they had brought people and entrapped people into that speak-easy, as was admitted by the Government officials in Indianapolis. I thought perhaps that was an exception, that the Government was not indulging in that as a general rule, but I have information now that a number of speak-easies have been established in the city of Chicago and that district by the gentleman who

used to be in Baltimore, Colonel Herbert. The principal one is in the city of Peoria, where it is alleged the Government paid as much as $6,000 in purchasing a speak-easy.

In 1926 the Treasury Department, then having charge of the Prohibition Bureau, discontinued the establishment of these speak-easies, and the matter was investigated by the United States Senate. The Prohibition Bureau then decided that they would discontinue these entrapments. Since that time, however, that bureau has been transferred to the Department of Justice, and the present Prohibition Director, Mr. Woodcock, a gentleman from my State and a very fine gentleman, has reestablished these speak-easies. It does seem to me that if there is anything reprehensible in the enforcement of this act it is to establish speak-easies for the entrapment of people, to have them violate the law. When you entrap a man, you do not convict him of something he has done heretofore; you do not convict him of something you believe he has been indulging in, but you entrap him and convict him of the very things for which you have entrapped him; and it does seem to me that in the enforcement of this act we could at least resort to better methods. I do not believe this House should allow the continuance of this method of enforcement, especially when the Treasury Department long ago decided that it was abhorrent to the people and that they would discontinue it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SCHAFER of Wisconsin. The rules of the Bureau of Investigation of the Department of Justice, promulgated July 17, 1930, read as follows:

> Wire tapping, entrapment of, or use of any illegal or unethical tactics in procuring information will not be tolerated by this bureau.

That was written by Mr. Edgar Hoover, the director.

Mr. LINTHICUM. I very much appreciate the gentleman's reading that. I have been very much impressed with Mr. Edgar Hoover, the head of that bureau. If the gentleman who is the head of a bureau like that can say that he will not indulge in any of these things, that he will not indulge in wire tapping, or in the establishment of anything that will entrap our citizens, I do not see how this committee can allow this prohibition director to continue it. Knowing Mr. Woodcock as well as I do, I can not believe that it meets with his approval, but I am sure that will continue unless this House does something to prohibit it. I find that the Prohibition Director does not know everything that transpires in this country. Several days ago something happened out West with reference to this concentrated grape juice, and when asked about it he said that he had not heard of it except through the newspapers, and that he had not authorized it. I do not believe that he has authorized some of these things that are so abhorrent to our people which are being indulged in by the agents in these various sections of the country; and I much deplore to hear that Colonel Herbert, who used to be in our city, who was held so highly as a colonel in the Army, in charge of the Chicago and Indiana district, should allow such practices.

Mr. O'CONNOR of New York rose.

The CHAIRMAN. Does the gentleman from New York [Mr. O'CONNOR] seek recognition in favor of or in opposition to the amendment?

Mr. O'CONNOR of New York. In favor of the amendment.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. BLANTON. I seek recognition in opposition to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. O'CONNOR] is recognized.

Mr. O'CONNOR of New York. The introducer of this amendment [Mr. LINTHICUM] referred to Mr. Woodcock, and he referred to him in a very complimentary manner. I do not know Mr. Woodcock. I was interested and I felt rather pleased with some of his statements before the committee. I gathered the impression that he was a perfectly neutral person performing his duty, because when he was asked, on page 117 of the hearings, if the Anti-Saloon League had any connection with his department, he said:

> It may be interesting to you that I have not the slightest communication of any subject with any of those bodies or anyone representing those bodies, to the best of my recollection. I do not even know them.

If he did not know them at that moment on that day, he knew them the other night in New York, because he went to a meeting of the Anti-Saloon League held in a church in New York and he was the principal speaker. Mr. Campbell, the prohibition-enforcement agent, was one of the principal speakers—two Government officials paid by the United States Government to administer the law fairly and neutrally going to one side of the question and talking confidentially to them. Why, Mr. Woodcock told that Anti-Saloon League meeting what was in this report and almost quoted it before it was issued, because he sat there for three months. He told them. Now, I wonder, would Mr. Woodcock or Mr. Campbell accept an invitation to attend a meeting of the Association Against the Prohibition Amendment. Of course not.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. O'CONNOR of New York. Not now. Now, I submit it is necessarily wrong, whether it is in connection with prohibition or any other question, for a public official, paid to administer the law neutrally, to take sides, especially on a political question. They would not dare do it except for this pressure on them. Does he know the Anti-Saloon League? He is living with them now. Something must have happened. How can a man like that, or Mr. Campbell, of New York, do such a thing? I do not know how much he got or who paid the traveling expenses. Whether it is Mr. Woodcock, or who it is, I would say it was fundamentally wrong if he went to the Association Against the Prohibition Amendment unless he went to the other side. Why should he? If there was not so much fanaticism about this subject, such conduct would require the removal or impeachment of such officials.

Mr. CLANCY. Mr. Chairman, I rise in support of the amendment.

Ladies and gentlemen of the committee, the gentleman from Kentucky [Mr. FINLEY] said it had struck him as very humorous during this session of Congress to watch the proceedings of the wets in an attempt to correct terrible and admitted abuses and wrongs of the prohibition law. What a strange sense of humor. I ask the gentleman from Kentucky if there is anything funny in the disfranchisement of a large proportion of the people of Michigan for the past 11 years, by the proceedings of the drys and in the application of the dirty work to certain other States? It is well known to everybody that we have been cheated out of 4 Congressmen in Michigan during the past 11 years; that we have been cheated out of 4 electoral votes; that we have been cheated out of 8 votes in the presidential national conventions. I ask if there is anything funny about that?

The gentleman tells you what wicked men there are violating the liquor laws now, bootleggers, racketeers, and so forth, but I ask him if they are not the spawn of the drys and the Anti-Saloon League, rather than of the wets. I ask him who does more damage to organized society and the Republic, the man who takes an illegal profit from the sale or manufacture or transportation of liquor, or the man who steals a Representative in Congress from a State, to which the State is entitled, or an electoral vote in the Electoral College, or two votes in the national convention?

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CLANCY. I yield.

Mr. LAGUARDIA. I wonder if the gentleman from Kentucky [Mr. FINLEY] knows about this telegram which just came from Owensville, Ky.:

> Richard William, 35 years old died to-day at his home in the Ragland section of Bath County of a fractured skull, suffered late yesterday when he was struck on the head by a gun in the hands of a member of a raiding party of Federal prohibition agents.

Mr. CLANCY. In Detroit we know the iniquity of the drys. We have suffered most grievously from it. I cite one

case in which a prohibition agent murdered an innocent old man, a letter carrier. The agent's partner, when questioned a few hours later, stated: "My partner was too quick with his gun." That did not suit the Government, so when that man came on the witness stand later he said, "The old man seemed to reach for his shotgun, and we both fired." Formerly he said only one agent fired.

In spite of that the guilty agent was convicted, and the Anti-Saloon League took his conviction to the United States Supreme Court and kept him out of jail for two years.

Now, I ask if the drys are teachers of ethics or of morals when they indulge in such practices. They have even incited murder and then condoned it. I submit to you that although it may be humorous for the wets to protest against disfranchisement of American citizens and to protest against nullification of the reapportionment law and to protest against crimes and even murder, that at least we are not contemptible in sitting here quietly under such terrible wrongs. The drys do not seem very funny to us. They will not be laughing at us wets very hard next session and will probably look pretty sick in the following Congress.

I yield back the balance of my time, Mr. Chairman.

Mr. FINLEY. Mr. Chairman, I rise in opposition to the amendment.

In response to the gentleman from New York [Mr. LaGUARDIA], if I had constituted myself as conspicuously a leader of the drys as he has of the wets I would probably be receiving wires concerning the number of police officers and prohibition officers who have been shot and killed by violators of the prohibition law. [Applause.] I congratulate the gentleman upon his undesirable eminence. [Laughter.]

In response to the gentleman from Michigan [Mr. CLANCY] I wish to say that the proceedings conducted on this floor by our wet brethren need only burnt cork, a plug hat, and a spike-tailed coat reaching to his heels on the part of one Member to act as end man and the services of another to act as interlocutor, to make the show they have presented here a real minstrel performance.

Mr. SABATH. Will the gentleman yield?

Mr. FINLEY. Not at present. I did not have the gentleman in mind. [Applause and laughter.]

I want to say that to thrust before this House transparent hypocrisies detected fallacies, and exposed impostures, dignified by the wets as arguments, could not have been anything except amusing to any thinking man. Transparent—I will not say hypocrisy—but transparent sophistry No. 1: That the prohibition law makes criminals of people.

We were treated the other day to a most moving spectacle of 57,000 innocent women and children who had been made criminals by the prohibition law and were made to march in front of this House, and the gentleman grew even lachrymose over it. Now, that gentleman knows, and every other man knows, that no statute ever made a criminal of anybody, anytime, or anywhere. [Applause.] If it does, then all of us are criminals, because before we were born the statute which says "Thou shalt not steal" was in effect.

If a statute makes criminals of people, then we are all criminals and thieves. Let gentlemen follow their logic to its conclusion. Exploded fallacy No. 1—I have not the time to enumerate them all—that prohibition enforcement is a failure and that the prohibition law can not be enforced. Therefore it ought to be repealed. That is an exploded fallacy. Who says it is not enforced, and what do they mean when they say it is unenforceable? They have not given us a definition of that as yet. What do they mean by that? Is there any statute on the books of this or any other country that is enforced according to their theory?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. FINLEY. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. BECK. Mr. Chairman, reserving the right to object, if the gentleman will desist from calling the wets on this floor hypocrites and minstrels I will not object.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, the gentleman from Kentucky was not referring to the master mind of the wets.

The CHAIRMAN. Is there objection?

Mr. CLANCY. Mr. Chairman, reserving the right to object, I want to ask the gentleman if he saw anything very humorous in the wet and dry election of last fall?

Mr. STRONG of Kansas. There was not any such election.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FINLEY. The law against stealing has been on the statute books and among the laws of every tribe of every nation on earth for 6,000 years of recorded human history or, perhaps, more. Which is better enforced to-day, the law which says "Thou shalt not steal," or the law which says "Thou shalt not possess or vend intoxicating liquors"? I undertake to say that the law that is better enforced to-day of those two is the law against the sale of liquor. I saw a well-considered statement a few days ago to the effect that during the year 1931, $3,000,000,000 worth of property would be stolen, not just by going out at night and entering a man's smokehouse, but in all the tens of thousands of ways whereby a man can be deprived of his property. Which is better enforced? And if the law against the sale of liquor ought to be repealed because, as they say, it is not enforced, are they in favor of repealing the statute which says, "Thou shalt not steal"? And if not, why not?

I hesitate to consume more of the time of this committee because the clock indicates that it is very near the time when we usually adjourn, and I believe I will leave that question with the gentleman.

But I would like to mention another thing before I close. We have been solemnly told on this floor that to forbid our young people to do this, that, or the other thing immediately inspires in their minds the purpose to do that thing. Well, will the gentleman accept that? Will he take that argument to its logical conclusion? Let me ask whether the law against the social evil is making harlots of our girls? If not, why not? If the argument is good one way, it is good to its finish. Is the law saying, "Thou shalt not steal," making thieves of our sons? If not, why not? I leave that with the gentleman.

I insist, as I said before, that a man who can not laugh at the arguments made on this floor by those who espouse the wet cause has no sense of humor. [Laughter.] Let these gentlemen take their own arguments and follow them to their conclusion. [Applause.]

Mr. BOYLAN rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. BOYLAN. I rise in favor of the amendment.

Mr. GRIFFIN. Mr. Chairman, may I ask at this point as to the division of the time?

The CHAIRMAN. After the gentleman from New York concludes there will be four minutes left to those who are opposed to prohibition.

Mr. GRIFFIN. I call the Chair's attention to the fact that there are amendments on the desk.

The CHAIRMAN. The Chair is trying to dispose of the amendments just as rapidly as possible, and will rush them whenever gentlemen will give him an opportunity to do so.

Mr. GRIFFIN. The consequence of that will be to prevent those who offer amendments from presenting their arguments on them.

The CHAIRMAN. The Chair recognizes the gentleman from New York for five minutes.

Mr. BOYLAN. Mr. Chairman, ladies and gentlemen of the committee, of course, we always look for surprises in the House. I have always figured that a session of the legislature or a session of Congress was like going out in a sail-

boat. You went out and everything was calm and peaceful, but you never knew what was going to happen. So it is with a session of the legislature or the Congress; you never know what is going to happen. To-day we were regaled by the appearance of a new light on the horizon, the gentleman from Kentucky. Long before I came to Washington I was very fond of reading history and I read many things about Kentucky. I read that it was particularly distinguished for three things—its beautiful women, its wonderful race horses, and the magnificent whisky that was manufactured in the State of Kentucky. Now, to-day, the gentleman from Kentucky rises, and I do not really know whether or not he has added to the gayety of nations by joining the humorists already in the House. Now, we do not know in what class the new humorist is to be placed; I do not know, nor will I pass judgment. I fear to pass judgment on any man, because I feel that every one of us would be found wanting in one way or another when it comes to an anlysis.

But when we see men of distinction and men of wonderful information and learning rise on the floor of this House and quote, for instance, in support of their argument, as was done to-day, the common law in regard to wire tapping, when the common law was to a large extent superseded by the statute law long before the telephone was invented, it is just little things like that, little discrepancies of that kind, that do not seem to amount to anything, but yet are used for argument. Of course, you can manufacture something else or perhaps quote some other law of the prehistoric or antedeluvian period where there was a prohibition on some form or other of offense.

We were told that we are gross conspirators. Just imagine the danger to the Republic. Just imagine the threatened assault upon our Constitution by conspirators, one of whom telephones to the other and asks him if he has anything to drink in his apartment. [Laughter.] Oh, gentlemen, the pillars of the Capitol are trembling. These conspirators in a search for something to quench their thirst will rock the very citadel of democracy—these gross conspirators, whose only conspiracy consists in possessing a healthy and a legitimate thirst.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. JOHNSON of Oklahoma. I was interested in the gentleman's statement that the common law had to a large extent ceased to exist long before the telephone was invented. I wonder if the distinguished gentleman is as familiar with the wet-and-dry question as he is with the common law?

Mr. BOYLAN. Of course, the gentleman knows, wonderful and distinguished attorney that he is, that the common law had in part been succeeded by statute law.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 55, noes 93.

So the amendment was rejected.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GRIFFIN: Page 36, line 1, after the word "Columbia," insert "*Provided*, That no part of this appropriation shall be used for the purchase of liquors or other intoxicating beverages by entrapping persons into the commission of a crime by the sale thereof, and such evidence shall not be used against the person so entrapped."

Mr. GRIFFIN. Mr. Chairman, ladies and gentlemen of the committee, we are obliged to offer these amendments piecemeal. Our committee undertook, in the drafting of the bill, to have the appropriation for the Bureau of Prohibition divided into separate items, and on page 10 of the report you will find a compromise of our intention. I insert the annexed extract from the committee report:

The department, in its justification of the Budget estimate of $11,530,680, submitted the following estimated allotments to the various subheads of expenditure classification:

Personal services:	
District of Columbia	$342,520
Field	7,951,513
Temporary employees and special payments	160,500
Supplies and materials	228,000
Subsistence and support of persons (service)	10,000
Subsistence and care of animals, and storage and care of vehicles (service)	40,000
Communication service	105,000
Travel expense	1,680,296
Transportation of things	112,000
Advertising and publication of notices (service)	5,000
Furnishing heat, light, power, water, electricity (service)	3,000
Rent of buildings and structures	225,151
Repairs and alterations	191,200
Special and miscellaneous current expenses	316,500
Dissemination of information	50,000
Equipment	110,000
Total	11,530,680

If we had succeeded in doing what the members of our committee wanted to do; that is, to make each item in this appropriation the subject of a separate paragraph to which amendments could be offered, instead of making a lump-sum appropriation of $11,530,680, valuable time of this House would have been saved, and ample notice would thus be given of the scope and purpose of the bill. It is a great disadvantage and wrong to the House and to the country at large to report controversial appropriations in bulk in this way.

My amendment is directed against the proposal of the Prohibition Bureau to allot $250,000 for the purchase of evidence and incidental expenses in connection with the employment of special employees. This means the purchase of meals and illicit liquors by undercover men in procuring violations of the law. Perhaps the proper thing would be to cut out the entire item of $250,000, and the reason for doing it would more strongly appear if the item stood in the bill separately. We are consequently obliged to resort to this language prohibiting the Prohibition Bureau from resorting to the purchase of illicit liquors by device and fraud, if you please, or entrapment.

To mention a specific case, two of the prohibition enforcement officers dressed themselves up in the uniform of the United States Army and went to a private house supposed to be a speak-easy. They told the woman in charge of the house that they had been on a long march. Their clothes were bespattered with mud and with dust and they said, "Have a heart, woman, and give us a drink." They got a drink from her, and they laid the money on a desk, and then went outside and had another man come in and arrest her. Fortunately, the case came up before a judge who was sane enough and intelligent enough and fair enough to discharge that woman upon the ground that the evidence was procured by entrapment.

This is the purpose of my amendment which is offered here to-day. There is nothing in it that will prevent the purchase of liquor in the ordinary course of carrying on their duties, but we want to put a little good sportsmanship into the special agents employed by the Prohibition Bureau. We want them to be decent hunters, and fair hunters; and not resort to foul play.

Mr. BLACK. Mr. Chairman and gentlemen of the committee, there has been a great deal said about racketeers here to-day and about the sympathy of the wets with the racketeers. I introduced a resolution in this House four years ago asking the President to direct the Attorney General to summon the law officers of all the States for joint action against all racketeers by the Federal Government in cooperation with the States. I also spoke on this floor for such joint action. The trouble is that the money and attention of officials is devoted to prohibition, and other laws are thereby neglected.

The racketeer, under prohibition, is the little stepbrother of prohibition. The modern racketeer is the spiritual de-

scendant of the Kentucky moonshiner, excepting that the racketeer washes his face.

You talk about prohibition, theft, larceny, and murder. The distinction between them is the difference between mala prohibitum and mala in se.

There never was at any time a thought that drinking intoxicating liquor was a moral violation. All men at all times have recognized that murder is bad in conscience, and so is theft. There are two shows in this country; all laws in the country have been put in the side show, while prohibition, because of fanaticism, has been put under the big tent. [Laughter.] [Cries of "Vote!" "Vote!" "Vote!"]

Oh, go ahead and be rough, be dry. The most obnoxious violator in this rough attitude is the gentleman from Kansas. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GRIFFIN].

The question was taken; and on a division (demanded by Mr. BLANTON) there were 42 ayes and 73 noes.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer the following amendment—I would like to inquire if all time is exhausted?

The CHAIRMAN. All debate is exhausted.

Mr. CELLER. I ask unanimous consent to extend my remarks in the RECORD on this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, under leave to extend my remarks, I offer, with apologies to H. I. Philips, of the New York Evening Sun, a summary of a new and more confusing report of the "Wicked-and-Sham" Commission, as follows:

1. The commission believes that prohibition gets all the "breaks."

2. The commission realizes that the country is divided into two parts—those who have a little still and those who still have a little.

3. Many "dry" members are like the leaning tower of Pisa—they have the inclination but dare not fall.

4. The commission is opposed to the sale of any liquor that will make coherent conversation possible after the second drink.

5. The commission is opposed to the republication of the Bartenders Guide. (With four brothers dissenting.)

6. Jake, the bootlegger, says the commission's prohibition report seemed to him as if it had been tampered with in shipment.

7. The commission is doubtful as to how loud one may speak in a "speak-easy."

8. Corn sugar is now the staff of life with malt liquor a close second.

9. The commission believes "white mule" is a misnomer. It should be called "race horse"—one drink and "off" you go.

10. The commission believes that bootlegging should be regulated—there are too many bootleggers—they should wear badges to keep from selling each other. (The chairman wants a referendum among hijackers on this.)

11. After the third session all but two members stopped speaking to one another. The report is signed subject to the individual reservation of each signer to repudiate it in part or whole, to deny he ever heard of prohibition, and to answer all queries on the ground they might incriminate and degrade him.

12. The commission is opposed to the restoration of the old-fashioned saloon—or approximately so.

13. The commission is opposed to the Federal or State Governments going into the liquor business. It reserves the right to go into the business itself. It may change its mind, however. In fact, all is subject to change without notice, depending upon White House instructions.

14. The commission will soon go into another huddle and render another report. It may again get the Hoover signals mixed.

15. The report may be seized and searched. No consistency will be found.

16. "Tom and Jerry" are as friendly as ever. (Four Members call attention to the friendliness of Tom Collins.)

17. The commission admits there is too great a margin between the findings and the recommendations. The chairman admits that the "collateral" of wisdom is much needed.

18. The commission asks us to "drink in" the morning air and will now let a dog "whine."

19. It now recognizes that the palms of prohibition agents itch.

20. The commission finds that many people drink "block and fall" liquor—you take a drink, walk a block, and fall.

21. Eve tempted Adam with an apple. Mabel tempted Herbert with a grape.

22. One commissioner (an engineer) says a dry dock is a physician who will not give out prescriptions.

23. The commission finds there is too much "mule" in the majority of Americans to stand for prohibition.

24. How to comprehend the Wickersham report: Take report in left hand and cut into paper dolls, roll the remnants into form of Mexican jumping beans, work out a crossword puzzle, containing four 3-letter words for confusion of thought, multiply the result by the difference between the cubic yards of rock dislodged from Niagara Falls and the compound interest on the Einstein theory for five years at 6 per cent, and lay in a cool, dry place.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. CELLER].

The Clerk read as follows:

Page 36, line 1, after the word "Columbia," insert "*Provided*, That none of the appropriation made herein shall be used for the obtaining of evidence against or apprehension and prosecution of those who make beer or spirits in the home."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 36, line 1, after the word "Columbia," insert "*Provided*, That none of the money in this act appropriated shall be expended in any State not having a State prohibition enforcement law."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read down to and including line 21 on page 36.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAMSEYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16110 and had come to no resolution thereon.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. HESS, indefinitely, on account of illness.

Mr. COOPER of Wisconsin, on account of illness in his family.

Mr. CLARKE of New York, for two days, on account of important business.

Mr. JOHNSON of Washington, for one week, on account of illness.

(By unanimous consent, leave was granted to Mr. BACON to extend in the RECORD remarks he made this afternoon.)

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 234. Joint resolution making applicable for the year 1931 the provisions of the act of Congress approved March 3, 1930, for the relief to farmers in the flood and/or drought stricken areas; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined

and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 196. An act to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes; and

S. 4149. An act to add certain lands to the Ashley National Forest in the State of Wyoming.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned to meet tomorrow, Friday, January 23, 1931, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 23, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON MILITARY AFFAIRS—SUBCOMMITTEE NO. 1

(10 a. m.)

For the relief of Sinsser & Co. (H. R. 13221).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To amend the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith," approved June 24, 1926, with reference to the number of enlisted pilots in the Navy. (H. R. 10931.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote travel to and in the United States and its possessions, thereby promoting American business, and to encourage foreign travel in the United States. (H. R. 13553.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION—SUBCOMMITTEE ON NATURALIZATION

(10.30 a. m.)

To amend the law relating to citizenship and naturalization. (H. R. 16303.)

To amend the law relative to citizenship and naturalization. (H. R. 14684.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

790. A letter from the Secretary of the Navy, transmitting a draft of a bill authorizing certain officials under the Naval Establishment to administer oaths; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 16248. A bill authorizing the Secretary of War to exchange with the Rosslyn Connecting Railroad Co. lands on the Virginia shore of the Potomac River near the west end of the Arlington Memorial Bridge; without amendment (Rept. No. 2333). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16384. A bill to provide for the advance planning and regulated construction of public works, for the stabilization of industry, and for aiding in the prevention of unemployment during periods of business depression; without amendment (Rept. No. 2334). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 16045. A bill to authorize the Commissioners of the District of Columbia to close streets, roads, highways, or alleys in the District of Columbia rendered useless or unnecessary, and for other purposes; without amendment (Rept. No. 2335). Referred to the House Calendar.

Mr. HALL of Indiana: Committee on the District of Columbia. S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia; with amendment (Rept. No. 2336). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 12835. A bill authorizing the use of tribal funds of Indians belonging on the Klamath Reservation, Oreg., to pay expenses connected with suits pending in the Court of Claims, and for other purposes; with amendment (Rept. No. 2338). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13566. A bill to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes; with amendment (Rept. No. 2339). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 9002. A bill for the relief of Juan Francisco Rivas; without amendment (Rept. No. 2329). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 9271. A bill for the relief of Lieut. Le Roy Moyer, Supply Corps, United States Navy; without amendment (Rept. No. 2330). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 9353. A bill for the relief of William T. Stiles; without amendment (Rept. No. 2331). Referred to the Committee of the Whole House.

Mr. SUTHERLAND: Committee on the Territories. H. R. 12162. A bill for the relief of Ned Bishop; without amendment (Rept. No. 2332). Referred to the Committee of the Whole House.

Mr. STALKER: Committee on the District of Columbia. H. R. 15010. A bill to permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products; with amendment (Rept. No. 2337). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Appropriations was discharged from the consideration of the bill (H. R. 16255) for the relief of the Omaha Indians residing

in school district No. 16, Thurston County, State of Nebraska, and the same was referred to the Committee on Indian Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JEFFERS: A bill (H. R. 16462) to amend the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. JAMES of Michigan: A bill (H. R. 16463) to provide for maintaining the corps of cadets at the United States Military Academy at its authorized strength, and for other purposes; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 16464) to permanently set aside certain public lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 16465) to add certain lands to the Columbia National Forest, in the State of Washington; to the Committee on the Public Lands.

By Mr. LEAVITT: A bill (H. R. 16466) authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma, to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians; to the Committee on Indian Affairs.

By Mr. BRITTEN: A bill (H. R. 16467) authorizing certain officials under the Naval Establishment to administer oaths; to the Committee on Naval Affairs.

By Mr. BURTNESS: A bill (H. R. 16468) to place an embargo on certain agricultural products; to the Committee on Ways and Means.

By Mr. COLLINS: A bill (H. R. 16469) relative to notes secured by mortgage under the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. CHRISTOPHERSON: A bill (H. R. 16470) to prohibit the use of public funds for the purchase of oleomargarine; to the Committee on Agriculture.

By Mr. CRAMTON: A bill (H. R. 16471) to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER of Oklahoma: A bill (H. R. 16472) to provide for the payment to veterans of the cash surrender value of their adjusted-service certificates; to the Committee on Ways and Means.

By Mr. HOGG of Indiana: A bill (H. R. 16473) for the relief of unemployment; to the Committee on Public Buildings and Grounds.

By Mr. WHITE: A bill (H. R. 16474) to amend section 2 of the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16475) to amend section 4 of the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16476) to amend section 9 of the radio act of 1927, as amended; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 16477) to amend section 14 of the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

By Mr. WURZBACH: A bill (H. R. 16478) to limit the importation of petroleum and products thereof; to the Committee on Ways and Means.

By Mr. ZIHLMAN: A bill (H. R. 16479) to authorize the widening of Piney Branch Road NW., in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WELCH of California: A bill (H. R. 16480) to provide for the protection of fish by requiring reports on the location of canneries in Alaska, and prohibiting certain salmon unlawfully caught from being brought into the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. TEMPLE: Joint resolution (H. J. Res. 479) authorizing an appropriation in the sum of $4,000 as a contribution of the United States to the construction of a monument at Saint-Gaudens, France, to the memory of Augustus Saint-Gaudens; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 480) authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, to be held at Geneva, Switzerland, on May 27, 1931; to the Committee on Foreign Affairs.

By Mr. CELLER: Joint resolution (H. J. Res. 481) to amend the act of November 23, 1921, entitled "An act supplementary to the national prohibition act"; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of California, memorializing the Congress of the United States, for the passage of Senate bill 4123, making loans to irrigation districts, drainage districts, levee districts; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 16481) granting a pension to Daniel Nicholas Cuddy; to the Committee on Pensions.

Also, a bill (H. R. 16482) for the relief of Lorinda Wines; to the Committee on Claims.

By Mr. ARNOLD: A bill (H. R. 16483) granting an increase of pension to Margaret J. Williams; to the Committee on Invalid Pensions.

By Mr. BOHN: A bill (H. R. 16484) for the relief of Cadreau Bros.; to the Committee on Claims.

By Mr. BRITTEN: A bill (H. R. 16485) granting to the commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the commissioners of Lincoln Park; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: A bill (H. R. 16486) granting a pension to Willa M. Austin; to the Committee on Invalid Pensions.

By Mr. CRADDOCK: A bill (H. R. 16487) granting an increase of pension to Winnie Hazard; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16488) granting an increase of pension to Laura M. Davis; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 16489) granting an increase of pension to Catherine Grunert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16490) granting an increase of pension to Bridget Owens; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 16491) granting a pension to William H. Porter; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 16492) granting an increase of pension to William Napier; to the Committee on Pensions.

Also, a bill (H. R. 16493) granting a pension to Hiram P. Marcum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16494) granting a pension to Chester Hollin; to the Committee on Pensions.

Also, a bill (H. R. 16495) granting a pension to Robert McDaniel; to the Committee on Pensions.

Also, a bill (H. R. 16496) granting a pension to Bert Croley; to the Committee on Pensions.

Also, a bill (H. R. 16497) granting a pension to Gilbert Curry; to the Committee on Pensions.

By Mr. FORT: A bill (H. R. 16498) for the relief of Frederick H. Huff; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 16499) to authorize the appointment of Master Sergt. (Band Leader) Bernt Nielsen as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. GREENWOOD: A bill (H. R. 16500) correcting the military record of William H. Byerly; to the Committee on Military Affairs.

By Mr. HULL of Wisconsin: A bill (H. R. 16501) granting a pension to Amanda A. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16502) for the relief of Charles Callender; to the Committee on Military Affairs.

By Mr. HILL of Alabama: A bill (H. R. 16503) for the relief of Robert E. L. Choate, a second lieutenant of the Air Corps in the Army of the United States; to the Committee on Military Affairs.

By Mr. HOGG of Indiana: A bill (H. R. 16504) granting an increase of pension to Lydia M. Surfus; to the Committee on Invalid Pensions.

By Mr. HOGG of West Virginia: A bill (H. R. 16505) granting relief to E. W. Jones; to the Committee on Claims.

By Mr. KIEFNER: A bill (H. R. 16506) granting a pension to Nellie F. French; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 16507) granting an increase of pension to Mary E. Benson; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 16508) for the relief of M. Waring Harrison; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 16509) granting an increase of pension to Mary F. Gregg; to the Committee on Invalid Pensions.

By Mr. PRITCHARD: A bill (H. R. 16510) granting a pension to Ronald Medford; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 16511) granting an increase of pension to Almina F. Taylor; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 16512) granting an increase of pension to Catherine A. Kling; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 16513) for the relief of Jim P. Harper; to the Committee on Military Affairs.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 16514) for the relief of May U. Roszak; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 16515) for the relief of William L. Jenkins; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8770. By Mr. ALDRICH: Petition of 38 residents of the second congressional district of Rhode Island, favoring passage of House bill 7884; to the Committee on the District of Columbia.

8771. By Mr. BACON: Petition urging the enactment of legislation prohibiting the use of dogs for vivisection purposes in the District of Columbia; to the Committee on the District of Columbia.

8772. By Mr. BLOOM: Petition of residents of New York State urging the passage of House bill 7884 providing for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8773. By Mr. BRUNNER: Petition of 315 citizens of the second Queens Borough (Long Island, New York) district in favor of House bill 7884, exempting dogs from vivisection; to the Committee on the District of Columbia.

8774. By Mr. CARLEY: Petition favoring House bill 7884, signed by residents of the eighth congressional district of New York; to the Committee on the District of Columbia.

8775. By Mr. CELLER: Resolution that the American Federation of Labor, in its fiftieth annual convention, assembled in Boston, Mass., the 7th day of October, 1930, indorse House Joint Resolution No. 334, by Congressman REID of Illinois, to amend the radio act of 1927 by providing that the Federal Radio Commission shall assign three cleared-channel broadcasting frequencies to the Departments of Agriculture, Labor, and Interior, which shall be licensed to the radio stations recommended by the heads of those Government departments as being most representative of the labor, agricultural, and educational interests of the United States; to the Committee on Interstate and Foreign Commerce.

8776. Also, resolution of the National Guard of the State of New York, in convention assembled, in Rochester, N. Y., January 10, 1931, urging passage of the Speaks bill (H. R. 12918) providing for the incorporation of the National Guard in the Regular Army; to the Committee on Military Affairs.

8777. Also, resolution of the New York Conservation Association, urging that Congress provide needed increase in Federal appropriations for the work of the association; to the Committee on Appropriations.

8778. By Mr. CLARKE of New York: Petition of the members of the Woman's Christian Temperance Union, Johnson City, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8779. Also, petition of the members of the Woman's Christian Temperance Union, Endwell, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8780. By Mr. CONNERY: Petition of the citizens of Lynn, Lawrence, and Saugus, and Peabody, Mass., concerning House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8781. Also, petition of members of Veterans' Political Association of America, of Lynn, Mass., with reference to their interest in and favor of the payment in cash of the adjusted-service certificates of veterans of the World War; to the Committee on Ways and Means.

8782. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8783. By Mr. FITZGERALD: Petition of the Roy G. Fitzgerald Chapter, No. 9, of the Disabled Veterans of the World War, of Dayton, Ohio, favoring the immediate payment of adjusted-compensation certificates and enactment of House bill 13573, to amend the World War veterans' act; to the Committee on Ways and Means.

8784. By Mr. GARBER of Oklahoma: Petition of W. B. Estes, managing director, Chamber of Commerce of State of Oklahoma (Inc.), indorsing plan for solution of unemployment and depression; to the Committee on the Judiciary.

8785. Also, petition of National Federation of Federal Employees, indorsing Treasury-Post Office appropriation bill; to the Committee on Appropriations.

8786. By Mr. GAVAGAN: Petition by Miss Margaret Haas and others, favoring the passage of House bill 7884, to exempt dogs from vivisection; to the Committee on the District of Columbia.

8787. By Mr. HADLEY: Petition of members of the First Presbyterian Church, Bellingham, Wash., indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

8788. By Mr. JOHNSTON of Missouri: Resolution of Missouri Pacific Post, No. 141, American Legion, advocating the immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8789. By Mrs. KAHN: Petition of various residents of San Francisco, Calif., favoring passage of so-called antivivisection bill, House bill 7884; to the Committee on the District of Columbia.

8790. By Mr. KOPP: Petition of Hon. Edward G. Marquardt, of Burlington, Iowa, and many other citizens of Burlington, Iowa, urging the passage of antivivisection legislation; to the Committee on the District of Columbia.

8791. By Mr. LOZIER: Petition of 24 citizens of Chariton County, Mo., urging the enactment of certain pension legislation for the cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8792. By Mr. PRALL: Petition of Langdon W. Smith, manager New York Tow Boat Exchange (Inc.), 11 Moore Street, New York City, urging the necessity of early appropriation of funds to be applied to the acquirement by purchase or construction of such vessels and for the support of additional personnel; to the Committee on Interstate and Foreign Commerce.

8793. Also, petition of citizens of the eleventh congressional district asking passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8794. By Mr. ROMJUE: Memorial of Missouri Pacific Post, No. 141, American Legion, St. Louis, Mo., asking for the immediate payment of adjusted-service certificates; to the Committee on Ways and Means.

8795. By Mr. SNELL: Petition of citizens of the State of New York, believing that, without blocking urgent domestic matters, the Senate can and should approve the World Court treaties; to the Committee on Foreign Affairs.

8796. By Mr. WATSON: Petition of residents of Montgomery County, Pa., favoring the passage of House bill 7884 prohibiting experiments on living dogs in the District of Columbia; to the Committee on the District of Columbia.

SENATE

FRIDAY, JANUARY 23, 1931

(Legislative day of Wednesday, January 21, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Shortridge
Barkley	Fletcher	La Follette	Smith
Bingham	Frazier	McGill	Smoot
Black	George	McKellar	Steck
Blaine	Gillett	McMaster	Steiwer
Blease	Glass	McNary	Stephens
Borah	Goff	Metcalf	Swanson
Bratton	Goldsborough	Morrison	Thomas, Idaho
Brock	Gould	Morrow	Thomas, Okla.
Brookhart	Hale	Moses	Townsend
Broussard	Harris	Norbeck	Trammell
Bulkley	Harrison	Norris	Tydings
Capper	Hastings	Nye	Vandenberg
Caraway	Hatfield	Oddie	Wagner
Carey	Hawes	Partridge	Walcott
Connally	Hayden	Patterson	Walsh, Mass.
Copeland	Heflin	Phipps	Walsh, Mont.
Couzens	Howell	Pine	Waterman
Cutting	Johnson	Pittman	Watson
Dale	Jones	Reed	Wheeler
Davis	Kean	Robinson, Ark.	Williamson
Deneen	Kendrick	Schall	
Dill	Keyes	Sheppard	

Mr. WATSON. My colleague [Mr. ROBINSON] is necessarily detained from the Senate by illness in his family. I ask that this announcement stand for the day.

Mr. BROUSSARD. I wish to announce that my colleague the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Ninety Senators have answered to their names. There is a quorum present.

AMERICAN BRANCH FACTORIES ABROAD (S. DOC. NO. 258)

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to Senate Resolution 128 (submitted by Mr. WALSH of Massachusetts and agreed to on October 5, 1929), a report on American branch factories abroad, together with the economic factors involved in the branch-factory movement, etc., which, with the accompanying report and papers, was referred to the Committee on Commerce and ordered to be printed, with illustrations.

PETITIONS AND MEMORIALS

Mr. JONES presented petitions numerously signed by sundry citizens of the State of Washington, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. KEAN presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. COPELAND presented a communication from Frederic R. Coudert, Esq., of New York, N. Y., transmitting a resolution of the committee on international arbitration, passed at a meeting of the New York State Bar Association in January, 1931, favoring the prompt ratification of the World Court protocols, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented a petition of sundry citizens of Baltimore City, Md., praying for the ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented petitions of sundry citizens of Lawrence and Wichita, both in the State of Kansas, praying for the ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Chamber of Commerce of Chanute, Kans., favoring the passage of legislation imposing a duty on crude petroleum, which was referred to the Committee on Finance.

He also presented petitions numerously signed by sundry citizens, being members of the Santa Fe Railway Employees' Club, of Arkansas, City, Kans., praying for the passage of legislation providing for Government regulation of motor-bus and truck traffic, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented petitions numerously signed by sundry citizens of the State of Connecticut, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the petition of Stiles D. Woodruff Post, No. 1684, Veterans of Foreign Wars, of West Haven, Conn., praying for the passage of legislation for the immediate cash payment of adjusted-compensation certificates of World War veterans, which was referred to the Committee on Finance.

He also presented memorials of the Meriden Council of Catholic Women and members of St. Joseph's Church Society, of Meriden, in the State of Connecticut, protesting against the passage of the so-called equal-rights blanket amendment, being the joint resolution (S. J. Res. 52) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which were referred to the Committee on the Judiciary.

He also presented resolutions of the Women's Christian Temperance Unions of Essex, Middletown, Willimantic, and Warehouse Point, all in the State of Connecticut, favoring the passage of legislation for the Federal supervision of motion pictures, which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Norwalk, Milford, Clinton, Greenwich, Niantic, New Haven, Stamford,